

report (No. 1144), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13756) for the relief of Augustus Dudley Hubbell, reported the same with amendment, accompanied by a report (No. 1145), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12369) for the relief of John Healy, reported the same with amendment, accompanied by a report (No. 1146), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOSTER: Joint resolution (H. J. Res. 335) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; to the Committee on Invalid Pensions.

By Mr. HOWARD: Joint resolution (H. J. Res. 336) suspending the collection of duty on wheat imported into this country; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COADY: A bill (H. R. 18676) granting an increase of pension to Harlow B. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18677) granting an increase of pension to William J. Knight; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 18678) authorizing the Secretary of the Treasury to make refund in certain cases of sums of money paid in settlement of income-tax penalties in excess of existing regulations; to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 18679) granting an increase of pension to Joseph Gray; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 18680) granting an increase of pension to Catherine Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18681) granting an increase of pension to Mary M. Stone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUCKNER: Petition of the International Union of Journeymen Horseshoers, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Stationers Association of New York, favoring the passage of the Stevens standard-price bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: Petition of 60 citizens of Danbury, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. GRIFFIN: Petitions of the New York State Council and Local Union No. 639, of Brooklyn, United Brotherhood of Carpenters and Joiners of America, protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. HOLLAND: Petitions of R. T. Vaughn, George W. Gray, B. H. Delk, J. T. Knight, T. J. Chapman, R. W. Remick, F. W. Rose, and other citizens of the counties of Southampton and Isle of Wight, Va., relative to rural credits; to the Committee on Banking and Currency.

By Mr. LEWIS of Maryland: Petition of the Emory Grove Camp Meeting, of Emory Grove, Md., for the passage of the House joint resolution 168; to the Committee on Rules.

Also, petition of the W. C. P. N. of Feagaville, Md., for the passage of the House joint resolution to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LIEB: Petitions of L. Bohry, Henry J. Wolf, August Klingemaier, August Haller, H. A. Wimbeg, John Zueschel, Peter Dewes, Robert Schofield, George Toren, Henry Grimm, Carl Finnberg, Richard Miller, Henry Egli, J. A. Drahelm, George Horn, J. T. Minnett, H. C. L. Krach, George Maler, Henry Grimm, John Zueschel, Louis Rohry, John Fix, J. H. Scholmbachler, Edwin Potter, W. A. Eaty, F. Reisinger, George Hutzman, Simon Bartholome, Pete Heitman, Philip Schroch, C. F. Miller, P. H. Carroll, Charles E. Inco, Eugene Walker, J. J.

Roehrig, H. Watkins, E. B. Alderlat, W. E. Williams, J. W. Bacon, G. Jefferies, S. White, E. J. Johnson, William Fisher, W. C. Hafendorfer, John Roberson, H. J. Cullars, Adam Kiras, Jacob Wriner, Richard Peake, Walter Kern, E. H. R. Epicuv, Fred Johnson, W. M. Boner, M. Long, O. B. Foyle, Mike Cohn, W. B. Kerner, J. F. Which, B. F. Lockport, C. Ferguson, R. Dickerson, Ernest Bryant, W. Kelly, E. W. Blerld, C. H. Southgate, Eugene Kelly, A. J. Haney, E. F. Dloren, N. S. Mitchell, Len Bickel, Samuel Woosley, Dan Martin, R. E. Tmrie, Ray Summers, E. G. Wendholt, F. W. Higgins, J. E. Bowman, J. H. Climens, George Reells, Kennedy & McDonald, Kirk Oldham, L. R. Collier, J. W. Pfisterer, G. H. Hoker, Gus Schafer, Joe Schmautz, Phil. Maler, John Stockley, J. J. Bryan, Oscar Hufuagel, John Jack, William Hughes, H. Rosentahl, C. Harris, L. Fash, George Fruend, H. H. Angel, J. B. Becker, T. J. Baar, William Kamm, W. F. O'Brian, E. Rouke, William Rus, William Kaiser, W. F. Holzgrafi, A. Kasper, Robert Beck, Henry H. Kratz, B. H. Diedrich, Ed. Scherrer, and Peter Egli, all of Evansville, Ind.; Felix Bettag, William Herr, A. Yelling, William Bredhold, Peter Horlander, John Brenner, Frank Stallman, Fred Bocketing, Andy Babbach, Lawrence Grindhoefer, Eugene Grundhoefer, George Horlander, George Roon, Henry Singer, Frank Piforlander, Paul Ender, J. R. Danmhaner, Adam Grundhoefer, Frank P. Dilger, M. Hollander, J. C. Harfurther, Adam Nord, John Jackson, Frank Sogel, Joseph Jellig, Frank Arnold, and J. H. Hollander, all of Mariah Hill, Ind.; and John A. Emmert and O. J. Emmert, of Haubstadt, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Socialist Party of Hartford, Conn., protesting against the removal of Federal troops from the strike region in Colorado prior to settlement of the strike; to the Committee on Mines and Mining.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolutions of the Verein Eintracht, of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139), for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. WATSON: Petition of sundry citizens of Greensville County, Va., relative to a personal rural-credit system; to the Committee on Banking and Currency.

SENATE.

TUESDAY, September 8, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of the conference report on the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes. When the Senate recessed there was the absence of a quorum. The Chair orders the roll to be called.

Mr. LEWIS. May I be permitted to say I understand from the Senator from Nevada his request was to withdraw his motion to proceed to the consideration of the conference report?

The VICE PRESIDENT. The Senator is permitted to say that, but there was no quorum voting on the motion of the Senator from Nevada.

Mr. GALLINGER. I objected to the withdrawal of the motion to proceed with the report and the roll was called on the motion, and it developed that there was not a quorum present. I suppose the calling of the roll will be in order this morning.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	O'Gorman	Smoot
Bankhead	Gallinger	Perkins	Sterling
Brady	Jones	Pittman	Swanson
Bryan	Kenyon	Poinexter	Thomas
Burton	Lane	Ransdell	Thompson
Chamberlain	Lewis	Reed	Thornton
Chilton	McCumber	Robinson	Vardaman
Capp	Martine, N. J.	Shafroth	Walsh
Crawford	Myers	Sheppard	West
Culberson	Newlands	Simmons	White
Fall	Norris	Smith, Ga.	Williams

Mr. LEWIS. I desire to announce the absence of the Senator from Indiana [Mr. KERN], caused by illness in his family.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness in

his family. He is paired with the senior Senator from Idaho [Mr. BORAH]. This announcement will stand for the day.

Mr. JONES. I desire to announce that the junior Senator from Vermont [Mr. PAGE] is absent on account of illness in his family.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE answered to his name when called.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given to request the attendance of absent Senators.

Mr. HUGHES, Mr. NELSON, Mr. LEE of Maryland, and Mr. OLIVER entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is, Will the Senate proceed to the consideration of the conference report on what is commonly known as the trade commission bill? Upon this question the yeas and nays have been ordered. The Secretary will proceed to call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN], which I transfer to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence I transfer that pair to my colleague [Mr. WORKS] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Kentucky [Mr. CAMDEN]. I will let this announcement remain until the junior Senator from Kentucky is in the Chamber. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. WALSH (when his name was called). I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement stand for the day. I vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to reannounce the absence of the Senator from Indiana [Mr. KERN], caused by illness in his family, and to say that if he were here the Senator from Indiana would vote "yea."

Mr. CRAWFORD (after having voted in the affirmative). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who, I discover, is absent and has not voted; but I am informed that if present he would vote the same as I have already done, in the affirmative. Therefore I will allow my vote to stand.

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA], and, as he will not be able to return during the week, I will allow this announcement to stand for the entire week.

Mr. GALLINGER. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH], who is paired with the Senator from New Hampshire [Mr. HOLLIS]. I also announce the absence of the junior Senator from Vermont [Mr. PAGE] on account of illness.

I am requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

Mr. KENYON. I desire to announce the unavoidable absence of my colleague [Mr. CUMMINS].

Mr. CLAPP. I think, of course, that it is generally known by this time that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unable to be here on account of illness. I do not care to put that fact in the RECORD every day, but this being the first day of this week's legislative proceedings, I make the announcement in order that it may be in the RECORD for the week.

Mr. REED. Mr. President, the somewhat startling fact appears by a recapitulation of the vote that I have voted. As a matter of fact, I distinctly did not vote, though I heard some Senator answer to my name. I take it, of course, that it was an error. I am entirely willing that the vote shall stand, though I prefer to do my own voting.

The VICE PRESIDENT. Does the Senator desire that his vote shall be stricken from the roll call?

Mr. REED. I say that the vote may stand.

The VICE PRESIDENT. The Secretary is, of course, not responsible for the error when he hears a response on the call of a Senator's name.

Mr. REED. I am not criticizing the Secretary; I am not criticizing anybody. As I have stated, some Senator answered when my name was called.

The result was announced—yeas 44, nays 2, as follows:

YEAS—44.

Ashurst	Fletcher	Norris	Simmons
Bankhead	Gallinger	O'Gorman	Smith, Ga.
Brady	Hughes	Perkins	Smoot
Bryan	Jones	Pittman	Sterling
Burton	Kenyon	Poin Dexter	Swanson
Chamberlain	Lee, Md.	Pomerene	Thompson
Chilton	Lewis	Ransdell	Thornton
Clapp	McCumber	Reed	Vardaman
Crawford	Martine, N. J.	Robinson	Walsh
Culbertson	Nelson	Shafroth	White
Fall	Newlands	Sheppard	Williams

NAYS—2.

Lane Oliver

NOT VOTING—50.

Borah	Gore	Myers	Smith, S. C.
Brandeggee	Gronna	Overman	Stephenson
Bristow	Hitchcock	Owen	Stone
Burleigh	Hollis	Page	Sutherland
Camden	James	Penrose	Thomas
Catron	Johnson	Root	Tillman
Clark, Wyo.	Kern	Saulsbury	Townsend
Clarke, Ark.	La Follette	Sherman	Warren
Colt	Lea, Tenn.	Shields	Weeks
Cummins	Lippitt	Shively	West
Dillingham	Lodge	Smith, Ariz.	Works
du Pont	McLean	Smith, Md.	
Goff	Martin, Va.	Smith, Mich.	

The VICE PRESIDENT. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	O'Gorman	Simmons
Bankhead	Jones	Oliver	Smith, Ga.
Brady	Kenyon	Perkins	Smoot
Burton	Lane	Pittman	Sterling
Chamberlain	Lee, Md.	Poin Dexter	Swanson
Chilton	Lewis	Pomerene	Thomas
Clapp	McCumber	Ransdell	Thompson
Crawford	Martine, N. J.	Reed	Vardaman
Culbertson	Nelson	Robinson	West
Fall	Newlands	Shafroth	White
Fletcher	Norris	Sheppard	Williams

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. STONE and Mr. THOMPSON answered to their names when called.

Mr. HUGHES, Mr. BRADY, Mr. SHIELDS, and Mr. CLARKE of Arkansas entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of the conference report on what is commonly known as the trades commission bill. Upon this

the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN], which I transfer to my colleague [Mr. WORKS], and will vote. I vote "yea."

Mr. STONE (when his name was called). I transfer the standing pair I have with the Senator from Wyoming [Mr. CLARKE] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

The roll call was concluded.

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As he is absent, I withhold my vote.

Mr. FLETCHER. I announce the same pair and transfer as before and vote "yea."

The result was announced—yeas 43, nays 2, as follows:

YEAS—43.

Ashurst	Fletcher	Perkins	Smoot
Bankhead	Gallinger	Pittman	Sterling
Brady	Jones	Polindexter	Stone
Bryan	Kenyon	Pomerene	Swanson
Burton	Lee, Md.	Ransdell	Thompson
Chamberlain	Lewis	Robinson	Thornton
Chilton	Martine, N. J.	Shafroth	Vardaman
Clapp	Nelson	Sheppard	West
Crawford	Newlands	Shields	White
Culbertson	Norris	Simmons	Williams
Fall	O'Gorman	Smith, Ga.	

NAYS—2.

Lane Oliver

NOT VOTING—51.

Borah	Gore	McLean	Smith, Md.
Brandeggee	Gronna	Martin, Va.	Smith, Mich.
Bristow	Hitchcock	Myers	Smith, S. C.
Burleigh	Hollis	Overman	Stephenson
Camden	Hughes	Owen	Sutherland
Catron	James	Page	Thomas
Clark, Wyo.	Johnson	Penrose	Tillman
Clarke, Ark.	Kern	Reed	Townsend
Colt	La Follette	Root	Walsh
Cummins	Lea, Tenn.	Saulsbury	Warren
Dillingham	Lippitt	Sherman	Weeks
du Pont	Lodge	Shively	Works
Goff	McCumber	Smith, Ariz.	

The VICE PRESIDENT. There is not a quorum voting. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Perkins	Smoot
Bankhead	Gallinger	Pittman	Sterling
Brady	Jones	Polindexter	Stone
Burton	Lane	Pomerene	Thomas
Chamberlain	Lee, Md.	Ransdell	Thompson
Chilton	Lewis	Reed	Thornton
Clapp	Martine, N. J.	Robinson	Vardaman
Clarke, Ark.	Nelson	Shafroth	White
Crawford	Newlands	Sheppard	Williams
Culbertson	Norris	Shields	
Fall	Oliver	Smith, Ga.	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. SIMMONS, Mr. SWANSON, and Mr. WEST answered to their names when called.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. KENYON, Mr. O'GORMAN, Mr. WALSH, and Mr. BRADY entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of what is commonly known as the trade commission bill. On this the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair and transfer as before, I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN] and its transfer to my colleague [Mr. WORKS]. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. I desire to be counted as present for a quorum, if necessary.

Mr. WALSH (when his name was called). I announce my pair and its transfer as on the former vote. I vote "yea."

The roll call having been concluded, it resulted—yeas 46, nays 2, as follows:

YEAS—46.

Ashurst	Gallinger	Perkins	Smoot
Bankhead	Hughes	Pittman	Sterling
Brady	Jones	Polindexter	Swanson
Bryan	Kenyon	Pomerene	Thompson
Burton	Lee, Md.	Ransdell	Thornton
Chamberlain	Lewis	Reed	Vardaman
Chilton	McCumber	Robinson	Walsh
Clapp	Martine, N. J.	Shafroth	West
Crawford	Nelson	Sheppard	White
Culbertson	Newlands	Shields	Williams
Fall	Norris	Simmons	
Fletcher	O'Gorman	Smith, Ga.	

NAYS—2.

Lane Oliver

NOT VOTING—43.

Borah	Goff	McLean	Smith, Md.
Brandeggee	Gore	Martin, Va.	Smith, Mich.
Bristow	Gronna	Myers	Smith, S. C.
Burleigh	Hitchcock	Overman	Stephenson
Camden	Hollis	Owen	Stone
Catron	James	Page	Sutherland
Clark, Wyo.	Johnson	Penrose	Thomas
Clarke, Ark.	Kern	Reed	Tillman
Colt	La Follette	Saulsbury	Townsend
Cummins	Lea, Tenn.	Sherman	Warren
Dillingham	Lippitt	Shively	Weeks
du Pont	Lodge	Smith, Ariz.	Works

The VICE PRESIDENT. On the motion of the Senator from Nevada the yeas are 46 and the nays 2. The Senator from Colorado [Mr. THOMAS] and the Senator from Arkansas [Mr. CLARKE] being present, a quorum is present. The Chair declares the motion carried, and lays before the Senate the conference report on the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes. The question is on agreeing to the conference report.

Mr. REED. Mr. President, I notice that the language of section 5 has been changed from "unfair competition in commerce" to "unfair methods of competition in commerce are hereby declared unlawful." I should like to ask the chairman of the committee or some member of the conference committee why that change was made?

Mr. NEWLANDS. Mr. President, the House conferees presented an amendment in that form. They deemed that language preferable to the language employed in the bill as passed by the Senate, and the Senate conferees, being of the opinion that the language was equally as strong and would be equally as operative as the language employed in the Senate bill, assented.

Mr. REED. That is an exceedingly illuminating statement, and furnishes a most substantial reason for the change. Does the Senator mean to say that there is no difference in the meaning? Is that the idea?

Mr. NEWLANDS. There is no difference, in my judgment.

Mr. REED. It was not put in, then, in order to change the meaning of the bill?

Mr. NEWLANDS. Not according to my understanding.

Mr. REED. The Senator states that the House conferees presented it to the Senate conferees in that form. Are we to understand that the House conferees had a section 5 of their own?

Mr. NEWLANDS. In the original bill?

Mr. REED. Yes.

Mr. NEWLANDS. No.

Mr. REED. Mr. President, I wish to ask the chairman of the committee if there has been any investigation made of any kind to ascertain whether certain gentlemen who have been very industriously lobbying for this bill for some weeks are employed?

Mr. NEWLANDS. I do not understand the Senator's question. I know of no lobby on this bill.

Mr. REED. The Senator knows that a gentleman named Rublee has been here for some weeks, does he not?

Mr. CRAWFORD. Mr. President, it is impossible for us on this side of the Chamber to hear the conversation going on between the Senators. I suggest that they speak a little louder.

Mr. REED. I asked the Senator from Nevada if he did not know, and he has stated that he does not know, of any lobby or lobbying. I asked him if he does not know a man named Rublee, who has been weeks here in Washington, and has haunted the galleries and antechambers of the Senate. He has been very active in the advocacy of this bill, and I wanted to learn what the Senator knows about the activities of Mr.

Rublee and whom Mr. Rublee represented, and who, if anybody, is paying Mr. Rublee.

Mr. NEWLANDS. Mr. President, so far as Mr. Rublee is concerned, I do not know that anyone employs Mr. Rublee or pays him. I do not believe that he is either employed or paid with reference to his service in this matter. I have only recently become acquainted with Mr. Rublee, but I have a very high opinion of him, a high opinion of his character and his disinterestedness. He is, in my judgment, one of the few men who, without seeking place or reward of any kind, is desirous of dedicating himself to the public service. It is in that attitude that I have regarded him throughout.

I will say with reference to section 5 that this provision regarding unfair competition is no new thing. It was presented by me in a trade commission bill which I offered early in 1911, more than three years ago.

Mr. Rublee lives in New Hampshire. I believe he belongs to the Progressive element there. He is a great friend of Representative STEVENS of that State, who is a member of the Interstate Commerce Committee of the House, one of the majority members. Mr. STEVENS was urging there a clause regarding unfair competition, and it was contained in his bill for a trade commission. The first time, if I recollect aright, that I saw Mr. Rublee was in company with Mr. STEVENS, both of whom called upon me with reference to the insertion of this section in the trade commission bill of the Senate.

Mr. GALLINGER. Mr. President—

Mr. NEWLANDS. Of course, it required no argument or persuasion with me, because I have long ago contemplated providing for unfair competition in a trade commission bill, and I had done so in the bill that I originally introduced.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. When the Senator from Nevada is through.

Mr. GALLINGER. I simply wanted to ask the Senator from Nevada a question for information, and that is as to whether the gentleman to whom he alludes as a Member of the other House was consulted or was present during the deliberations of the committee of conference.

Mr. NEWLANDS. Not to my knowledge. I understood that Mr. Rublee had been in conference with the President on several occasions.

Mr. GALLINGER. I had reference to Mr. STEVENS, not to Mr. Rublee.

Mr. NEWLANDS. No; not to my knowledge.

Mr. GALLINGER. I think he is in New Hampshire looking after his campaign; so I concluded that he could not have been consulted by the conferees.

Mr. NEWLANDS. Mr. Rublee is a man of capacity, a lawyer by profession, interested in the Progressive movement, and he pursues such matters with a great deal of zeal and energy. I have no doubt that he was very solicitous regarding the adoption of this provision, and an attendant upon the debate, and appeared before the Committee on Interstate Commerce, and that he had conversations with Members of the House from time to time, and Members of the Senate, regarding this measure.

Mr. REED. I should like to ask the Senator, before he takes his seat, if I understood him correctly that Mr. Rublee was interested with Mr. STEVENS in the bill that Mr. STEVENS has introduced with reference to the regulations of trade and commerce?

Mr. NEWLANDS. Yes.

Mr. REED. That is a bill which proposes to give to the manufacturer of an article the right to stipulate the price at which it shall be sold at retail, is it not?

Mr. NEWLANDS. I really do not know. I know that Mr. STEVENS had a so-called trade commission bill pending in the House, and it had in it this unfair-competition clause. I do not know whether it had anything with reference to the subject to which the Senator alludes.

Mr. CLAPP. Mr. President, will the Senator allow me to say a word in regard to Mr. Rublee?

Mr. REED. Certainly.

Mr. CLAPP. Of course I have always regretted the freedom with which Members of this Chamber use the names of men who can not come upon the floor and in the same somewhat imperishable record of Congress place their answers to what may be said.

I have known Mr. Rublee for several years. I knew his father. It is a fact that there are to-day in this country men of some means, at least able to avoid the necessity of always acting upon a retainer, who are interesting themselves in trust legislation. I believe Mr. Rublee is one of those men.

Of course, if Mr. Rublee has been lobbying here in the sense in which we ordinarily use that term, no language the Senator from Missouri or myself or any other Senator could use would be a fitting reprimand, for I have no use for that class of people. But I should be very loath to believe that Mr. Rublee was in any sense or had in that sense been lobbying for this measure.

I have talked with Mr. Rublee very often and very freely. I have known him for a great many years. I have discussed these economic questions with him for years. I believe that he is actuated by the same desire that to-day actuates thousands of men outside of Congress who are interested in legislation upon this subject, and unless there was some evidence that he was in fact here in the interest of some one I should regret very much the question which left that impression.

I feel that it is only fair to Mr. Rublee to say what I have said.

Mr. NEWLANDS. I will simply add that I think Mr. Rublee impressed the members of the committee generally as a man of ability and as a man of great sincerity and desire for the public good.

Mr. REED. Referring for a moment to the topic that I had under consideration, I understand the bill Mr. STEVENS is interested in and that Mr. Rublee is interested in in the House of Representatives to be the bill (H. R. 13305) to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public. I ask the Senator from Nevada if this bill is the one he has been referring to as the trade commission bill of Mr. STEVENS?

Mr. NEWLANDS. This is not the bill to which I referred. The bill to which I referred was a bill to create a trade commission.

Mr. REED. It, however, has the same author as this bill—Mr. STEVENS, of the House.

Mr. President, I have not charged that Mr. Rublee is a lobbyist. I have charged that Mr. Rublee has been here lobbying, and that he is about the most assiduous and persistent and tireless lobbyist I have seen around the Capitol at Washington. The term "lobbyist" seems to be one that is very difficult to define. It is a very elastic term. When a man is working on the same side of the question we are on, no matter how active he may be, he is, of course, a patriot, a statesman, and all other things that are good and virtuous and admirable.

If he is on the other side, he is a lobbyist, with divers and sundry adjectives attached, dependent in each case upon the vocabulary of the gentleman who is discussing him.

I believe it to be true that section 5 of the trade commission bill is the upper jaw calculated to fit the lower jaw, or this so-called Stevens trade bill now pending in the House of Representatives. Mr. STEVENS is the author of the latter bill, and, as I understood from the Senator from Nevada [Mr. NEWLANDS] this morning, Mr. STEVENS is also the author of a trade commission bill. Mr. Rublee and Mr. STEVENS seem to be closely connected. To all intents and purposes they are hunting in pairs. It seems to me entirely proper to call attention to the Stevens bill, which I have denominated the lower jaw, now in process of formation, so that I may ask the question whether or not the trusts are not getting about what they want, and whether these patriot lobbyists may not, after all, be engaged in a work that will undermine the entire fabric of our antitrust legislation.

Mr. WALSH. Mr. President, may I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. The Senator from Missouri with myself is a member of the so-called lobby committee, which has done some considerable work. The Senator has intimated, if he has not directly charged, that Mr. Rublee has been here for some weeks in the employ of some interests concerned in the passage of this bill. I desire to inquire of the Senator if he has felt the importance of this suggestion to the extent of asking for an investigation of the facts by the lobby committee?

Mr. REED. I have already asked the chairman of the lobby committee to call the lobby committee together; but I have not charged that Mr. Rublee is employed; nothing that I have said goes to that extent.

Mr. WALSH. I understood the Senator from Missouri to inquire of the Senator from Nevada if he knew by whom Mr. Rublee was employed.

Mr. REED. If by any one.

Mr. WALSH. That was what I referred to. I feared that the statement of the Senator from Missouri would be regarded by the ordinary reader of the Record as intimation to that effect. If the Senator from Missouri has felt that way, I think that before the charge is made, or the intimation either, some

effort ought to be made through the lobby committee to get at the actual facts.

I think it is quite generally known that Mr. Rublee has been here during the course of this debate and has evinced much interest in the passage of this legislation. It did not occur to me, I will say, that his activity called for any investigation by the lobby committee or I should myself certainly have moved in the matter, and I should feel now derelict in my duty had I not done so.

Perhaps my confidence in Mr. Rublee arose from the fact that he is the son of a man who was eminent in the public life of the State of Wisconsin when I was a boy, a man of the very highest character, universally respected, and likewise that a cousin of his was a college mate of mine, a very brilliant young man. I rather assumed that Mr. Rublee had a public-spirited interest in this legislation, but I think it due to him now, in view of the statements made by the Senator from Missouri, that the lobby committee should immediately proceed to ascertain the sources of his interest in this legislation. I should be glad to join with the Senator from Missouri in the request to the chairman of the committee to convene the committee at as early a day as possible for that purpose.

Mr. REED. Mr. President, I shall be very glad to have the lobby committee convene, and I have already spoken to the chairman of the committee [Mr. OVERMAN] with reference to it. However, I state now that if I had been allowed to proceed the matter would have been very much plainer. I have made no charge that Mr. Rublee is employed, and do not intend to make such charge, unless it is a demonstrable fact. I asked the chairman of the committee what Mr. Rublee's interest was and how it came that Mr. Rublee was here; the Record will show exactly what I asked; but I was about to say, regardless of any question of employment—

Mr. NEWLANDS. I will state, further, if the Senator will permit me—

Mr. REED. Just one moment, until I finish my sentence.

Regardless of any question of employment, regardless of any question of interest, I propose to call the attention of the Senate now to the fact that a movement is on foot in which, at least if I understood the Senator from Nevada correctly, Mr. Rublee is interested along with Mr. STEVENS, of the House of Representatives, and which will, if successful, result in the emasculation of the antitrust acts. I call the attention of the Senate to the fact that section 5 of this bill may possibly be a part of that plan, however completely divorced from such an object it may be in the mind of the distinguished Senator who has presented it.

Mr. NEWLANDS. Mr. President, if the Senator from Missouri will permit me, I will state, further, that Mr. Rublee and Mr. STEVENS were in communication with the President of the United States regarding this matter, and that I informed them when they saw me with reference to this legislation that I did not feel like moving on this line unless such legislation had the acquiescence of the President, although, as I have already said, I had, years ago, urged legislation upon this line. I did this simply because when the legislation was inaugurated the President had called the chairman of the Judiciary Committee of the other House and myself into consultation with him regarding trust legislation, and the general lines of tentative bills were then determined. I did not feel that I would quite be exercising good faith were I to introduce into legislation an entirely new subject matter without consulting the President. I believe that Mr. Rublee has the confidence of the President, and that very fact recommended him most highly to me.

Mr. REED. Now, Mr. President, it so frequently happens when a measure is pending in this legislative body that the intimation goes around the Chamber that the President desires its enactment or defeat, although he may never have sent a message with reference to it—which I think is the way the President will speak when he is ready to speak—that it is really refreshing to have it stated publicly on the floor that the President has been consulted. Of course, I do not know what took place in any private conversation with the President. I do know that I permit no man in this body to go further than myself in that proper respect for the President which is due to the great office and due to the great occupant of the office; but this proposition now before us is a legislative question. We are engaged in a legislative function; we represent, in the aggregate, that lawmaking body which the Constitution created, and which, under the Constitution, must speak for the people of the United States.

I shall not, even if Mr. Rublee has consulted the President and had some conversation with him, therefore cease to express what I was about to say upon this matter, because I am con-

strained to believe that when the President desires the enactment of legislation by Congress he will, in consonance with that high character and dignity which he possesses, make known to the Congress in proper and formal message his desires and his views.

It now appears, as I understand—and I am going back to the point where I was interrupted—that Mr. STEVENS and Mr. Rublee are two of the chief advocates of section 5 of this bill. We have discussed section 5 until I think we know what it is intended to mean. It is intended to place in a board the right to say what is fair and what is unfair in trade; to give that board the right to issue an order of prohibition against the particular practice it does not like, and if that order is not obeyed no penalty whatever follows—no fine, no imprisonment, nothing, except that a man may be called to court and that the court may then affirm or set aside the judgment or order; and then no penalty follows unless the order of the court is violated. Thus, instead of having criminal penalties, instead of having the shadow of the jail hanging over those who indulge in practices which are unjust and improper, we have a long course of delay, followed by nothing worse in the end than an order saying, "You must stop something out of which you have been making money."

Mr. President, fitting that, like the upper jaw of a wild beast fits the lower jaw, is the bill to which I am about to call attention, of which Mr. STEVENS is the distinguished author. I refer to House bill 13305, which reads:

Be it enacted, etc., That in any contract for the sale of articles of commerce to any dealer, wholesale or retail, by any producer, grower, manufacturer, or owner thereof, under trade-mark or special brand, hereinafter referred to as the "vendor," it shall be lawful for such vendor, whenever the contract constitutes a transaction of commerce among the several States, or with foreign nations, or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory or Territories and any States or the District of Columbia, or with a foreign nation or nations, or between the District of Columbia and any State or States or a foreign nation or nations, to prescribe the sole, uniform price at which each article covered by such contract may be resold: Provided, That the following conditions are complied with:

Then follow a number of conditions, one of which I will read.

Mr. GALLINGER. Mr. President—

Mr. REED. Will the Senator pardon me until I conclude the sentence?

Mr. GALLINGER. I should like to ask the Senator the number of the bill, as I have had several communications with reference to it.

Mr. REED. It is House bill 13305.

I will read first, as a sample of these conditions, part of paragraph B of the bill:

(B) Such vendor shall affix a notice to each article of commerce or to each carton, package, or other receptacle inclosing an article or articles of commerce covered by such contract of sale stating the price prescribed by the vendor at the time of the delivery of said article as the uniform price of sale of such article to the public, and the name and address of such vendor, and bearing the said trade-mark or special brand of such vendor. Such article or articles of commerce covered thereby shall not be resold except with such notice affixed thereto or to the cartons, packages, or other receptacles inclosing the same.

There are other conditions, but, boldly stated, the proposition is to give a manufacturer the right to manufacture an article, fix his brand upon it, and affix a price at which it shall be sold, and that price must follow that article from hand to hand until it reaches the ultimate consumer. In a word, it is a proposition to legitimize the worst practice of the trusts, to make legitimate the thing for which every trust that ever was upon this earth was created, to make it absolutely lawful for the manufacturer of an article to control its price clear to the ultimate consumer. That would as completely destroy all trust legislation as it would be destroyed if we were to repeal the statutes and enact a law providing "trusts and monopolies and combinations in restraint of trade are hereby declared to be lawful." Enact that bill, and the Steel Trust can stamp upon every article it sells a condition fixing its price for all time. Upon every keg of nails, upon every spool of barbed wire or other wire used by the farmers, upon the steel rails used by railroads, upon the steel cars, upon the car wheels, upon the plows and the harrows and other agricultural implements of the farmers—upon all these the Steel Trust or some kindred trust can fix the price and keep control until the ultimate consumer is reached. What the Steel Trust can do may be done by other great combinations. In like manner the smaller manufacturers may extend their control. Thus we shall place the entire control of prices in the power of a few manufacturers.

That device and plan is on foot, and Mr. STEVENS is its author. Mr. Rublee and Mr. STEVENS, according to the statement of the Senator from Nevada, are working together. Upon section 5 of this bill they are together, and upon this bill, so far as we have information now, they are together.

The distinguished Senator who is the sponsor here for section 5 of this bill has twice stated upon the floor of the Senate in substance and effect that he does not know but that under the clause "unfair competition" the board which is to be created may set aside the decisions of the courts, may set aside rights which have been declared by the courts to exist, and, if I mistake not, on at least one occasion he expressed doubt whether the commission might not set aside a right bottomed upon a statute of the United States. If the Senator be not in error, then we have given to this commission the power to declare that legal which is to-day illegal; that proper which is to-day unlawful; that just which is to-day declared by the law to be unrighteous. If that be true, then we have turned over to this commission the authority, under the general language of section 5, to wipe out all the trust statutes, wrought out, as they were, with such toil and labor, and to which we have been accustomed to turn for relief for the people.

I can readily see why that sort of plan might be very well fathered and very well lobbied for most assiduously by any gentleman who believes in giving the manufacturers of this country or the wholesalers of this country the right to attach to an article a tag stipulating the price at which it shall be sold to the ultimate consumer, thus destroying all competition in the price of articles, thus bringing about a situation whereby the whole people of the United States shall find not only a partial restraint of trade but a complete restraint of trade exercised always, from the door of the factory to the doors of their houses.

I do not care how high-minded any man may be; I do not care whether he comes here inspired by the love of his fellow man or not; I do not care if he shall have devoted his life to the service of his country, if he entertains such opinions as that, and the result of his labors is to bring us to that condition, then it is high time, before we take his advice, that the Senate of the United States shall pause and consider.

I wish to ask the Senator who is in charge of this bill if Mr. Rublee was not before the conferees?

Mr. NEWLANDS. No; he certainly was not.

Mr. REED. Was not Mr. STEVENS there?

Mr. NEWLANDS. No.

Mr. CLAPP. Mr. President, will the Senator pardon me for interrupting?

Mr. REED. Certainly.

Mr. CLAPP. It is inconceivable, it seems to me, that either of those gentlemen, or anyone else, could have been before the conferees. They certainly were not present at any meeting of the conferees that I attended; and as highly as I regard Mr. Rublee, I certainly would have lost my estimation of him had he sought to appear before the conferees.

Mr. REED. Well, Mr. President, I did not know, but I asked the question in good faith, because I had been so informed. Of course the statement by the Senators that he was not there ends that matter, but I should like to ask if he was not there or thereabouts?

Mr. CLAPP. Mr. President, I wish to state, for one member of the conference committee, that from the time this bill went into conference, as long as I have known Mr. Rublee, and as often as he and I have discussed economic questions, there never has been, to my knowledge, a suggestion of his either being before the conferees, or thereabouts, or in any manner related to the conference. If anyone has made that statement with reference to the conference, as a whole, he certainly has made a statement which is without foundation. I can only speak for one.

Mr. REED. Mr. President, I have here an article from the pen of Mr. John M. Duncan, of San Antonio, Tex., commenting in particular upon the trust bill, but dwelling in part upon the effort which is being made through these two bills to eliminate the idea of prosecution and penalization through the pending trust legislation. I desire to read a part of it:

This is a time for plain speaking. The antitrust measure known as the Clayton bill, now pending—

This article was written before the Clayton bill had passed—and under discussion in the United States Senate, is the most astonishing piece of legislation ever offered for the correction of a great public evil, and in fulfillment of party and platform pledges. The current Collier's Weekly remarks editorially that some one recently ventured the assertion that not half the Members of Congress understood the antitrust measures which they have passed (through the House). The assertion is easily believed, for it is inconceivable that any intelligent and upright Representative would have voted for such a measure had he understood it.

I desire to say that I do not agree with all that is in the article, but there are certain observations that I want to call the attention of the Senate to which I think merit very grave consideration.

Should the bill pass in anything like its present shape it will represent the most flagrant betrayal of the public interest, public confi-

dence, and of party and platform pledges of any of recent times, and will be a disgrace and a reproach to the present administration and to the Democratic Party from which they can never recover.

Mr. WALSH. Mr. President, will the Senator kindly give us the name of the author?

Mr. REED. I did. The Senator was not listening. The author is Mr. John M. Duncan.

Mr. WALSH. And who is he?

Mr. REED. An attorney of San Antonio, Tex., and I am informed a lawyer of very distinguished ability.

Mr. WALSH. Is the Senator able to vouch for that himself?

Mr. REED. I do not know him personally. The—

Mr. WALSH. Can the Senator tell us what—

Mr. REED. Will the Senator let me finish my sentence?

Mr. WALSH. Excuse me.

Mr. REED. The senior Senator from Texas [Mr. CULBERSON] this morning told me that he is a man of very distinguished ability and high character.

Mr. WALSH. Has he given any consideration, so far as the Senator knows, to the subject?

Mr. REED. I think if the Senator will allow me to proceed with this article he will find out that he has given it very considerable consideration.

Mr. SHEPPARD. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. REED. Certainly.

Mr. SHEPPARD. Mr. Duncan is now a member of the San Antonio bar, and is undoubtedly a lawyer of unusual ability.

Mr. REED. He is also a man of character, is he not?

Mr. SHEPPARD. He is a man of high character.

Mr. ASHURST. Are there any Standard Oil fees about him?

Mr. SHEPPARD. Oh, no.

Mr. REED. You will not find any Standard Oil argument in this argument.

As proposed, the measure not only fails to answer the demands of the people and of the party, but it is pregnant with affirmative evil, as I shall undertake to show.

Congressmen who support it will soon have to meet the charge of perfidy, to which the plea of ignorance or stupidity will not be accepted by the people as a defense.

I say again that I do not agree with these criticisms of Congress. I am reading the context in order that you may catch the argument.

It will require no argument to establish the proposition that the most vital question affecting the great body of the people of this Union is that of controlling and destroying the trusts and trade combinations. Continually rising prices of every necessity without regard to statute laws, court decisions, or the laws of supply and demand, and the steady reduction of the people toward the point of actual starvation and rags, a point already reached by thousands, constitute a sufficient argument and unerringly indicate that the supreme control of prices of all staple commodities is held practically by the same man or the same set of men; in other words, by a trust composed of trusts, and which has the power to simultaneously advance the prices of all such commodities.

This is what I want to call attention to:

The leaders of the Democratic Party have been promising the people an antitrust law "with teeth in it"—a law which shall provide, in the language of President Wilson, that "guilt is personal."

The Baltimore platform asserted that "no substantial relief can be secured for the people until import duties on the necessities of life are materially reduced and these criminal conspiracies broken up"; that "we favor the vigorous enforcement of the criminal as well as the civil law against trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States."

It further declared in favor of a law for the prevention of holding companies, of interlocking directorates, of stock watering, of discrimination in prices, of the control by a single corporation of such a large part of any industry as to make it a menace to competitive conditions.

It further expressly condemned the Republican administration for compromising with the Standard Oil and Tobacco Trusts, and for its failure to invoke the criminal provisions of the antitrust law against the officials of these corporations, strongly deprecated the fact that the Sherman antitrust law had been, by judicial decision, deprived of much of its efficiency, and favored the enactment of legislation which would restore the strength of which it had been deprived by "judicial interpretation."

DEFECT IN CLAYTON BILL.

The principal defect in the Clayton bill as it passed the House was the inadequacy of the penalties provided for violations of the law. It carried five provisions for the punishment of violations of as many sections, but fixed the punishment at "a fine not exceeding \$5,000, or imprisonment not exceeding one year, or by both, in the discretion of the court." This is precisely the same punishment provided in the Sherman law, and it is readily seen that upon a verdict of conviction—and that is as far as a jury may go in a Federal court—the judge may fix the punishment under any of these provisions at a fine of \$1, or even 1 cent, without imprisonment.

Antitrust laws will never have any terrors for trust capitalists until there stares them in the face from the statute itself an imperative punishment by imprisonment for their violation; not only so, but a minimum imprisonment which a judge can not reduce, and which a trust official will not be willing to risk. The penalty should be not less than 2 nor more than 10 years in the penitentiary, omitting any fine. As to the trust itself, it should be forfeiture of its goods, of its right and that of its constituent companies to engage in interstate commerce, and the appointment of a receiver for its assets.

The latter clause has been substantially added to the bill.

Fining trusts or trust officials amounts to nothing more than a tax upon the people themselves. If the official is fined, the trust pays it; and in the case of either the official or the trust itself, the latter immediately levies by increased prices tribute on the people to more than restore its loss in a very brief time. The fact that it is a trust enables it to do this.

The reality of the matter in all such cases is that the people, through their Government, solemnly indict the trust and its officials, solemnly try them, solemnly convict them, solemnly assess a fine upon themselves, and as solemnly pay same—a farce which has been solemnly enacted over and over again in this country.

While I was astonished by the utter inadequacy of the punishment provided in the House bill, I hope that the Senate would substitute an imperative imprisonment penalty, and so suggested by letter to one of the Texas Senators; but I was simply astounded when the Senate committee, to whom the bill was referred, reported back amendments eliminating the criminal punishment which had been provided by the House, and referring the enforcement of the most important provisions of the law to civil process, through the Interstate Commerce Commission and to a Federal trade commission, not yet authorized by any law.

The Senate committee has recommended a number of eliminations from the House bill, and a number of amendments thereto.

ABSENCE OF CRIMINAL PENALTIES.

Two outstanding and, to my mind, fatal defects in the bill as proposed by the Senate committee, and much of which has already been adopted by the Senate, are the absence of criminal penalties for violations of important sections, and the procedure provided for the enforcement of the principal provisions of the measure.

Section 2 declares discriminations in prices between different persons to be unlawful, etc.

Section 4 makes exclusive or tying contracts for the sale of goods unlawful.

Section 8 is directed against holding companies or such as acquire and use the stock of other corporations for the creation of monopolies or restraint of trade.

Section 9 is directed to a suppression of the evil of officers and directors of common carriers dealing in their securities or furnishing them with supplies, etc., and to the prohibition of interlocking directorates of corporations other than common carriers.

Now, for every one of these sections the House bill provided a criminal penalty; but the Senate, by an amendment designated as section 9B, confers the authority to enforce the provisions of these sections on the Interstate Commerce Commission as to common carriers and on a prospective Federal trade commission as to others engaged in commerce.

CIVIL RESTRAINT ONLY.

The Senate amendment (sec. 9B) provides an elaborate procedure for the enforcement of said sections 2, 4, 8, and 9, but it all amounts to this: The Interstate Commerce Commission and the Federal trade commission are vested with jurisdiction for their enforcement. They act either upon information furnished by their employees or upon "duly verified affidavit of any interested person" that the sections are being violated. It then issues notice to the accused to show cause within 30 days why a restraining order should not issue. If, upon a hearing, it appears that any provisions of these sections have been or are being violated, the commission issues an order commanding the offender "to cease and desist from such violation" within the time prescribed in the order. Should the offender fail to obey the order the commission may apply for its enforcement to a district court of the United States, which shall take jurisdiction upon the filing in that court of all the pleadings, etc., before the commission.

That has been somewhat changed in the conference report, but the effect has not been changed.

In other words, should the offender desist, then he is subject to no penalty or process, criminal or civil, no matter how long nor how flagrantly he may have violated the law. Should he persist, he is subject to civil restraint only. There is, then, to be a rehearing of the whole matter before the court, with the introduction of additional evidence should it be desired. From the final decree of the court an appeal may be prosecuted by either party to the Supreme Court of the United States within 90 days. An appeal to the courts may be also prosecuted by any party from any final order of either of the commissions.

Disobedience to an order, decree, or process in the district court may be punished by fine not exceeding \$100 a day or imprisonment not exceeding one year, or by both.

In section 13 of the bill the United States district courts are vested with jurisdiction to restrain violations of the act and district attorneys, under the direction of the Attorney General, authorized to institute proceedings in equity to restrain and prevent such violations.

Now, these constitute the remedies provided by the Senate for violations of the sections of the bill, which, together with section 3 (stricken out), constitute its very essence, and these remedies are substituted for the criminal penalties provided by the House.

YEARS OF DELAY.

It is thus clear that compliance with the law may be, as is usual where civil remedies only are provided, delayed for years, so that the people can not hope for anything in the end except a defeat of even that remedy through some technical and strained holding and reasoning of the Supreme Court, such as that in the Standard Oil case, overruling one of its own decisions and importing the "rule of reason" into the Sherman law, thus depriving it of practically all of its little virtue.

This procedure adds nothing to the remedy provided by the Sherman law. On the contrary, it is far more complex, involved and indirect in reaching the same final result.

SOUGHT TO AVOID "HARSHNESS."

What reason or excuse do you, Mr. Reader, suppose was given by the Senate committee for cutting out the criminal penalties and substituting a civil procedure? I quote you the exact language of the report of the Senate committee, otherwise I am afraid you would not believe me:

"This was done because it was thought best, especially in view of the experimental stage of this legislation, that the harshness of the criminal law should not be applied."

This is enough to make every patriot, especially every Democrat, sick with disappointment and despair.

How can this harmonize with the declarations of the Democratic Party and with the expressions of its leaders upon the subject?

I call the attention of Senators to this language:

Experimental stage of this legislation, indeed! Harshness of the criminal law, indeed! Have we not been experimenting for 24 years? It is time that something courageous, direct, and effective be done for the relief of the people. Why hunt elephants with a blowgun, even if it is the favorite weapon of many Congressmen? Harshness of the criminal law for trusts and trust managers is precisely what the people have been promised and it is this promise upon which they have been relying.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I yield to the Senator.

Mr. WALSH. I wish to inquire of the Senator from Missouri if it is not perfectly obvious from that that the gentleman is discussing this legislation as if it were a complete substitute for the present Sherman Act, and as if there would no longer be any opportunity to prosecute trusts under the Sherman Act?

Mr. REED. No; I do not think he is discussing it in that way.

Mr. WALSH. The last sentence the Senator read from him was about proceeding against trusts and trust magnates. Now, in the case of a trust or a trust magnate you will proceed against it or him under the Sherman law, and you will enforce the criminal provisions of that law against them. I ask the Senator if that is not correct?

Mr. REED. Mr. President, that is just where the Senator's mind and mine take different forks of the road. I know the Senator who has just taken his seat just as earnestly wants to destroy trusts and monopolies as I do. I know that in every word he has said and in every vote he has cast he has been absolutely sincere, but I believe that when you have a trust act upon the books which prescribes the pains and penalties of fine and imprisonment and then pass a supplementary law which you say is necessary, and you pass it in order to strengthen the main act, and when you provide that there shall be no criminal penalties attached to the supplementary act but that you shall go through a long experimentation before boards and tribunals, instead of strengthening the act you are, in effect, really weakening it.

The way to make wine stronger is not by pouring in water. The way to make a law more drastic and effective is to increase the penalties of the law, and if the law did not reach every place it should reach, to extend it, and as you extend it place in the hand of the law enforcer a whip of scorpions that will sting more sharply than did the old whip.

But now I find we have devised a method for the control of these cases such as was never before conceived in the brain of any man to stop a practice admittedly criminal. Who has ever heard of creating a commission to determine, first, whether a man has been guilty of committing burglary, then to order him to stop, then to give him a right to appeal to a court, and in the end if he be defeated to solemnly adjudge that he must now stop? Why should a man hesitate to commit burglary with such a law as that? If he succeeds in escaping with the goods, wares, and chattels of his victim and is not detected he is so much the profter. If he is detected all he has to do is to lay down the swag and seek other windows and other doors.

Mr. LANE. I should like to ask the Senator if he thinks that the more humane burglar is being treated with such distinguished consideration by the commission?

Mr. REED. Oh, no; nobody is entitled in this world to a commission to guide his feet and to gently chide him into the right until he has organized a monopoly or been guilty of a restraint of trade, and then we put into practice the old philosophy that was so well expressed in the old verses in, I think, McGuffey's First or Second Reader:

How big was Alexander, pa,
That people called him great?

And so forth. Those of you who are old enough to have used that particular textbook will remember that the philosophic old father told his son that Alexander was not a murderer because instead of killing one man he killed tens of thousands; that hence murder had been lifted to respectability and crime had become a virtue.

As this debate has progressed more and more it has become manifest to the careful observer that we are putting into effect the doctrine that was uttered by the old king, "Deal gently with the young man Absalom for my sake." We have done much of boasting, we Democrats. There is not one of you who has not, as I have, stood upon the platform and said that the remedy in this country for the trust problem was to open the doors of the jails for the reception of those who conspire against the people. But now we devise a strange method. The chairman of the committee has stated upon the floor in substance

that in his opinion the trade commission under the authority of this may overturn the decisions of courts. He has raised a question whether it can not even set aside rights prescribed by Federal statute.

If that be true—and I sincerely hope it is not true—we have impaired, if indeed we have not repealed, the trust act. I can not, however, forget that this bill has had the active support of the gentleman who, whether he be patriot or lobbyist, is also, according to the statement made here this morning by the chairman of the committee, the active supporter of Mr. STEVENS, who is the author of the bill, H. R. 13305, which proposes to give to the trusts and the monopolies and every manufacturer and every wholesaler the right to attach to every article he sells a condition fixing its price for every man, woman, and child in the United States.

Mr. President, I did not feel that this report ought to be accepted without the attention of the Senate being called to these facts. I have not the slightest hope to change the result, but I do intend that I shall protest, and protest to the end, against any attempt to emasculate our trust procedure. I am beginning to think that patriotic lobbying may sometimes bring as evil results as the other kind of lobbying.

I shall not, however, engage in any attempt to prevent an immediate vote upon the pending measure.

Mr. BURTON. Mr. President, I look with apprehension upon the passage of this measure. It is taking a step in the dark. Let us examine, in the first place, the very material differences between the bill as it passed the Senate and is now before us, with the report of the conference committee, as compared with its original form as introduced by Mr. COVINGTON in the House of Representatives on the 13th of April last. In this original form the proposed bill was distinctly understood to have the approval of the President, and without substantial modification it was passed in the House by a very large majority. This measure as at first introduced and passed by the House provided for the appointment of but three commissioners, not more than two of whom should be of the same political party. So far as I have examined it no provision is made for the appointment of examiners or lawyers, though authority is given to employ special attorneys and experts. Nevertheless the House bill carefully confides to the civil service the appointment of all except the commissioners, a secretary, and a clerk to each commissioner. As is stated in section 5:

That, with the exception of the secretary and a clerk to each commissioner, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

Section 6 contains definitions.

Section 7 gave to the commission a very essential authority to the effect—

That the several departments and bureaus of the Government when directed by the President shall furnish the commission upon its request all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

Section 8 authorized the commission "from time to time" to "make rules and regulations and classifications of corporations for the purpose of carrying out the provisions of this act."

Then there was in section 9 a provision pertaining to the requirement for reports, which primarily restricts the operations of the commission to corporations having a capital of not less than \$5,000,000. It reads as follows:

That every corporation engaged in commerce, excepting corporations subject to the acts to regulate commerce, which, by itself or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has a capital of not less than \$5,000,000, or, having a less capital, belongs to a class of corporations which the commission may designate, shall furnish to the commission annually such information, statements, and records of its organization, bondholders and stockholders, and financial condition, and also such information, statements, and records of its relation to other corporations and its business and practices while engaged in commerce as the commission shall require; and to enable it the better to carry out the purposes of this act the commission may prescribe as near as may be a uniform system of annual reports. The said annual reports shall contain all the required information and statistics for the period of 12 months ending with the fiscal year of each corporation's report, and they shall be made out under oath or otherwise, in the discretion of the commission, and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission. The commission may also require such special reports as it may deem advisable.

Section 10 provided—

That upon the direction of the President, the Attorney General, or either House of Congress the commission shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

And it goes on to say:

The report of the commission may include recommendations for re-adjustment of business in order that the corporation investigated may thereafter maintain its organization, management, and conduct of business in accordance with law. Reports made after investigation under this section may be made public in the discretion of the commission.

Section 11 provided—

That when in the course of any investigation made under this act the commission shall obtain information concerning any unfair competition or practice in commerce not necessarily constituting a violation of law by the corporation investigated, it shall make report thereof to the President, to aid him in making recommendations to Congress for legislation in relation to the regulation of commerce, and the information so obtained and the report thereof shall be made public by the commission.

In section 12 it was provided—

That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission to ascertain and report an appropriate form of decree therein; and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

The manifest object of this provision was that the commission, composed presumably of men of business experience, not only understanding the general course of industry and commerce, but also having familiarity with the law, may relieve the court of its labors and give to it the benefit of their experience; but it by no means provides that their advice shall be final.

Section 13 is an important provision:

SEC. 13. That wherever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon its own initiative or upon the application of the Attorney General, to make investigation of the manner in which the decree has been or is being carried out. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation, and the report shall be made public in the discretion of the commission.

There are further important provisions. In section 14 it was declared—

That any person who shall willfully make any false entry or statement in any report * * * shall be deemed guilty of a misdemeanor.

In section 15 there is a prohibition under which—

any officer or employee of the commission who shall make public any information obtained by the commission without its authority, or as directed by a court, shall be deemed guilty of a misdemeanor.

In regard to the powers of investigation, section 16 sought to confer upon the commission the same powers conferred upon the Interstate Commerce Commission in the act to regulate commerce with reference to the production of documentary evidence and the administration of oaths.

In section 17 it is provided—

That the commission shall, on or before the 1st day of December in each year, make a report, which shall be transmitted to Congress.

Mr. President, I had little sympathy with the hostility to this original bill which appeared in many parts of the country. In a large degree this opposition was prompted by the fear that the proposed measure was an entering wedge for further espionage and further interference with the business of the country, but this act as originally introduced in April was apparently merely supplementary to the work heretofore performed by the Bureau of Corporations, though with a considerable enlargement of powers to meet present conditions and to aid the courts as well as administrative officers and Congress. It provided larger powers in the direction of publicity; it made this commission, composed of three members, an agency in suggesting to courts forms of decrees and in ascertaining after a decree whether the order of the court was being enforced and obeyed. But how different is the bill before us!

The personnel of this commission is enlarged, it is given unlimited opportunity to engage experts and lawyers, without regard to the civil service, and is expected to enter upon the work of overhauling the business of the country. It does not stop with corporations of a capital of five millions or more, nor yet with corporations of any size, but includes partnerships and individuals as well.

One argument for this change is that we already have the Interstate Commerce Commission, which has done salutary work in regulating the railroads of the country and in fixing their rates; that the national banking act gives to the Comptroller of the Currency, under the direction of the Secretary of the Treasury, very large power over the national banks, and that a similar commission or other authority should exercise like

authority over all the industrial and commercial operations of the country; but, Mr. President, it takes but a moment's reflection to see that these cases are by no means similar. The railroads are a natural monopoly; in fact, under a rational policy they should be allowed to occupy their respective fields exclusively—strict regulation. They can exercise certain powers, such as the condemnation of property for a right of way and the maintenance of police regulations, which are in no wise required in the ordinary forms of industrial and commercial activity.

Again, the work of the Interstate Commerce Commission has well-defined limits—the fixing of rates, the determination of such practices pertaining to transportation as are for the good of the public and will prevent discrimination among shippers or injustice to localities. Indeed, Mr. President, we must recognize at the very beginning that transportation agencies are absolutely essential for all the activities of our modern life, and they have a peculiar interest to all the people; that in the exercise of the business of transportation, in accomplishing its purposes, monopolistic powers are required by the railroads, and that those powers may create serious abuses. Hence the railroads are in a different position from the ordinary business corporations of our modern life.

The same is true in a very important sense of the banks. The failure of a bank causes dire disaster and suffering. There are financial institutions in the country, not perhaps under a national charter, which have hundreds of thousands of depositors. The failure of one of them causes widespread suffering and loss not only to the communities immediately involved but to the whole country.

Again, the operations of the banks are confined to a field which, though of supreme importance, is, or should be, limited when compared to the general business of the country. In this bill, as reported by the conferees, the commission is no longer one for investigation or securing greater publicity; no longer one to aid the courts or administrative officers by supplementing their action. It is given power to supervise the business of the country. What will be one of the first results? When two competitors are engaged in business—individuals, partnerships, or corporations—and one of them thinks, perhaps erroneously, that he is worsted in the race of competition, there must needs be an application to the trade commission to see if in that way some advantage can not be obtained. So, instead of bringing peace and fairer competition into our business and commercial life, there is the greatest danger that increasing discord will be introduced.

Every Senator here recognizes the dishonesty that has been perpetrated in American business; no one here—I can speak with confidence for the entire Senate—would put one obstacle in the way of punishing dishonesty, of preventing oppression, of prohibiting exactions. This disposition would be the more deeply seated in the mind of every Senator here because of the opportunities afforded by modern consolidation and combination to crush the weak. The only question is how to solve the problem wisely. In our business life there must be a free field for all, and along with this tendency toward operations on an enormous scale no policy should be adopted or allowed under which equality of opportunity shall be destroyed or the deserving competitor driven out of business. We will all agree upon that; but have we not been giving too much attention to forms—that is, to the size of organizations—and too little attention to bald dishonesty and fraud; too little attention to those exactions and acts of discrimination and oppression which have made the lot of the modern business man difficult and sometimes intolerable, and too much to practices which promote opportunity rather than destroy it?

Mr. President, I do not believe that any such measure as this will have a salutary effect; I can not agree that there is any such condition, either of general dishonesty or of oppressive conduct, which requires such legislation as this.

First, as pertains to dishonesty. Agitate the matter as you will; listen to the cry of those who seem to think they have struck a responsive chord when they maintain that modern business is corrupt and fraudulent to the core, yet there never was a time in this or any other country when business was conducted on a higher plane than now. Business ideals and methods have been vastly improved in recent years. True, many men whom we have placed upon a pedestal deserve to be brought down; some of the captains of industry or leaders of finance whom we have trusted and admired have been guilty of a self-seeking and dishonesty which should be condemned in the loudest tones and should be punished with severe penalties; but, Mr. President, that is not because the average individual or the typical American is worse at this time than he has been in the past.

We must go deeper to find the cause of these unwholesome tendencies and an all-pervading commercial spirit. We shall find the fundamental cause in the consuming material aspirations of the times, in the magnificent opportunity that is afforded for the development of the individual in this Republic with its vast resources. This is stimulated by the repeated accounts set forth in books for boys, in the magazines and the current literature, of the young men who began as boys in a hut and came to live in a palace. There is no stratification in our society; there is the universal desire for advancement. So there is competition, sharp and severe. In the march of a prosperous and advancing people all the occupations of life are like a great procession in which the weaker are constantly being crowded to the wall and the fitter and stronger survive.

The American people worship success. The desire for the acquisition of great wealth and for enjoying the opportunities which it affords is permeating all our modern life. At the same time we have too many persons who would reform the country, yet who are inveighing against practices in which they themselves would indulge if they but had the chance.

Mr. President, I can not believe that this form of Government regulation will remedy or assist this situation. Is the State government or is the municipal government more efficient and more honest than the commercial activities of the country? Do our municipalities compare in the care and wisdom with which they are conducted with the average business organization? Are there fewer cases of graft and of dishonesty in the management of the city than in the management of the private corporation? Mr. President, I think not. There is an intensity of interest—sometimes it is altogether too intense—in the management of private affairs which is not devoted to the political organizations of the country as exemplified in municipal, in State, or even in the National Government.

Again, we have not yet reached that plane on which the influence of partisanship, with its obliging effect, is removed from all the forms of political or official activity. The party that is out of power is so anxious to supplant those who are in, those who are in are so anxious to remain, that it is impossible to eliminate from the varied activities of government questionable efforts for the success of a political party and the desire to reward those of a friendly political faith.

I must say, Mr. President, that at least in the National Government we are coming little by little to a higher standard of fairness in governmental activity, but we can not yet claim that our political agencies and activities are on a higher plane than those of private life.

Mr. President, our courts are alert, our district attorneys are active, our Attorney General is prosecuting violations of the law. It may be conceded that it is best to have some such organization as that proposed by the House bill, so as to give greater efficiency to the work of ferreting out violations of the law, which have been numerous and which are likely to continue. The first thing in our whole business life is to throw the light of publicity on industrial and commercial operations. Step by step progress has been made along this line, and if the powers of the proposed commission were limited to that end, and to the disclosure of dishonesty and oppressive practices, it would no doubt accomplish most salutary results; but here is a tribunal which will have almost despotic authority over the business of this country, a tribunal which, in its close touch with the commerce and industry of the country, in its wide ramifications has a power to make or mar almost equal to those of an absolute government.

Mr. President, we are in the habit of saying, "Oh, it all depends upon the personnel; if we can get good men they will do good work." I do not believe in that idea. Possibly such care will be exercised, and men of such discretion and ability and high moral standards chosen that they will not go along the path which this bill suggests; but if they do not do so, it will be rather because of their forbearance and exceptional qualities than because of the terms of the act.

There is one way in which I believe we might bring about a most salutary reform. Several times an earnest effort has been made to promote a movement for national incorporation, but on every occasion a variety of interests have combined against such policy until it has been recognized that, for the present at least, it would be absolutely impracticable. On the recommendation of President Taft in 1910 a bill was introduced here having this end in view, and I wish to refer to a few of its provisions. Let it be noted in the first place that there are three general plans for Federal control—one, Federal licensing; another, voluntary Federal incorporation; and, third, compulsory Federal incorporation. In the exercise of that conservatism which is always desirable when radical changes are contemplated it would not seem desirable at the beginning to require

compulsory incorporation of those companies engaged in interstate trade, but rather to incorporate those which desire to be so incorporated.

In an ever increasing degree the business of this country is becoming interstate and national; adjacent States are in closer touch with each other than were the counties in the days of Thomas Jefferson, and, while there may be some question as to the right of the Federal Government to exercise control of a private corporation, yet in a proper case that right undoubtedly springs from the constitutional authority to control commerce. As stated by Mr. Justice Bradley in a decision:

As regards commerce between the States, the whole Union is as one country. There exists the right to regulate, the right to control, and the right to control the agents and instrumentalities of commerce.

It may almost be said that intrastate business is rapidly becoming insignificant in comparison with that which is interstate. This condition furnishes a basis for flagrant abuses. It would be in the power of a State to make railroad rates so low within its own borders as to compel very much higher rates outside, and thus interfere with that comity which should exist between the States. Thus, the Supreme Court has intimated in a recent opinion that the interstate and intrastate traffic are so closely associated that it is within the power of Congress to regulate all rates, both within and without the State. Our business life is becoming more and more a matter of national concern; and the more prominent organizations engaged in industry and commerce no longer restrict their activities to a single Commonwealth. More than anything else, there is an inextricable confusion caused by the fact that any one of 48 jurisdictions may frame its own distinct laws for the organization of corporations within its borders. Some of the States are very lenient, allowing forms of procedure in the laws which pertain to corporation organization, which make dishonesty possible and stability and solvency very doubtful; some enable the directors and officers to assume to themselves all the benefit of the corporate organization with entire disregard of the welfare of the stockholders, and others pass laws under which the corporate organization enables the managers, for the benefit of themselves and the stockholders, absolutely to disregard the welfare of the public.

The bill introduced in 1910, to which I have referred, contains in its provisions—and I will refer to them only very briefly—the best safeguards to meet the present growth of business that have as yet been suggested by any bill presented before Congress.

Section 1 provides that any five or more persons may form a corporation to engage in commerce with foreign nations, between the States or within a State. Among the powers granted in section 5 is the right to produce or manufacture in any State, Territory, or District articles or commodities which relate to interstate or foreign commerce. Section 7 provides for cumulative voting. Each stockholder is entitled to one vote for each share, multiplied by the number of directors to be elected, and is permitted to cast all his votes for any one or more of the directors. Such a provision removes the power of those holding a mere majority of the stock to select all the directors of the corporation.

Section 8 prohibits all corporations organized pursuant to the act from purchasing, acquiring, or holding stock in any other corporation. That absolutely forbids the formation of holding companies.

Section 17 contains a provision to the effect that when property is furnished for stock subscriptions in place of cash it shall be valued in such a way as to prevent fraud. The Commissioner of Corporations may appoint one or more persons to make a valuation of such property and fix a compensation which shall be paid for it, and no stock shall have a par value in excess of the value of said property, as proved to the Commissioner of Corporations.

There is also a provision in the same section that the burden of proof, if anyone is defrauded by false statements of any director, is on the corporation, which must show that the one so deceived or misled did not rely upon such statements.

The directors of corporations are prohibited by section 23 from declaring dividends except from net profits, nor shall they withdraw any part of the capital stock of the corporations or reduce the capital stock except as authorized by law. There is also a provision in section 27 that the stockholders of corporations shall be jointly and severally liable for wages due to employees, other than directors, for services performed. Whenever any corporation shall fail to pay off written obligations or an execution shall be returned unsatisfied, the commissioner of corporations is empowered by section 31 to appoint a special

agent, of whose appointment notice shall be given to the corporation, who shall proceed to ascertain whether the corporation is in unsound financial condition, and the commissioner of corporations may exercise the power of appointing a receiver to take charge of it.

These, briefly, are some of the more important provisions of the measure introduced in 1910. While they are not so comprehensive as those of the German law, yet if adopted they will go far toward eliminating the evils of corporate organization and management.

It can not be maintained, Mr. President, that such a law as that would provide every safeguard which our modern business requires. It would, however, guard against the gravest evils which have been characteristic of the last 20 or 30 years—overcapitalization, irresponsibility on the part of stockholders and directors, fraudulent subscriptions of stock, fraudulent dividends, the existence of a corporation for a considerable time while it is insolvent without public authority to compel it to liquidate. These provisions should be supplemented by the Sherman antitrust law and such other regulations as may be deemed necessary for the proper management of corporations. They would afford a means for Federal control far more simple, far more rational, than this trade commission bill, and such a law could very easily be so associated with or joined to normal methods of business that it would work without disorganization.

There is no occasion for the statement that only the big corporations would come under such a law and that they would find shelter under a plan for national incorporation. Each would find, if it attempted to do so, that it was confronted with a set of regulations severe and thoroughly adapted to prevent fraud, and that the continuance of oppressive or dishonest practices, which have been such a blemish in the past and which have characterized a considerable number of our corporations, would be made impossible.

In closing, I may say that I think the conference report improves the Senate bill. The court review is more carefully safeguarded. The vague expression "unfair competition" is succeeded by the term "unfair methods of competition." While this may signify no very considerable change, at least it points to an enumeration of the practices complained of. The enormous powers given to this commission by the Senate bill are in some degree modified, so that we may hope this bill will not be such a flaming sword to threaten the business of the country as it was when it passed the Senate.

Mr. GALLINGER. Mr. President, including the Presiding Officer, there are 9 or 10 Senators present. I think we ought not to legislate with so few of our number present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	O'Gorman	Smith, Ga.
Bankhead	Kenyon	Oliver	Smoot
Bryan	Lane	Perkins	Stone
Burton	Lee, Md.	Poinexter	Swanson
Chamberlain	Lewis	Pomerene	Thomas
Chilton	Martine, N. J.	Ransdell	Vardaman
Clapp	Myers	Reed	White
Crawford	Nelson	Robinson	Williams
Culberson	Newlands	Sheppard	
Fletcher	Norris	Simmons	

The PRESIDING OFFICER. Thirty-eight Senators have responded to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary called the names of absent Senators, and Mr. HUGHES, Mr. PITTMAN, Mr. THOMPSON, and Mr. THORNTON answered to their names when called.

Mr. SHAFROTH, Mr. WALSH, and Mr. SHIELDS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators have responded to their names. There is not a quorum present.

Mr. WEST entered the Chamber and answered to his name.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the instructions of the Senate and bring in the absentees.

Mr. KENYON. I move that the Senate adjourn.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

The roll call was concluded.

Mr. THOMAS (after having voted in the negative). I transfer my pair with the senior Senator from New York [Mr. ROOR] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. FLETCHER. Announcing my pair and its transfer as before, I vote "nay."

Mr. LEWIS. I desire to announce the absence of the junior Senator from Indiana [Mr. KERN], occasioned by illness.

The result was announced—yeas 2, nays 43, as follows:

YEAS—2.

Kenyon

McLean

NAYS—43.

Ashurst	Lewis	Poinexter	Sterling
Bryan	McCumber	Pomerene	Stone
Chamberlain	Martine, N. J.	Ransdell	Swanson
Chilton	Myers	Reed	Thomas
Crawford	Nelson	Robinson	Thompson
Fall	Newlands	Shafroth	Thornton
Fletcher	Norris	Sheppard	Vardaman
Gallinger	O'Gorman	Shields	Walsh
Hughes	Oliver	Simmons	West
Lane	Perkins	Smith, Ga.	White
Lee, Md.	Pittman	Smoot	

NOT VOTING—51.

Bankhead	Sherman	La Follette	Smith, Ariz.
Borah	Culberson	Lea, Tenn.	Smith, Md.
Brady	Cummins	Lippitt	Smith, Mich.
Brandeggee	Dillingham	Lodge	Smith, S. C.
Bristow	du Pont	Martin, Va.	Stephenson
Burleigh	Goff	Overman	Sutherland
Burton	Gore	Owen	Tillman
Camden	Gronna	Page	Townsend
Cañon	Hitchcock	Penrose	Warren
Clapp	Hollis	Root	Weeks
Clark, Wyo.	James	Saulsbury	Williams
Clarke, Ark.	Johnson	Jones	Works
Cot	Kern	Shively	

So the Senate refused to adjourn.

Mr. NEWLANDS. I move that the Sergeant at Arms be directed to compel the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. STERLING, Mr. McLEAN, Mr. FALL, and Mr. McCUMBER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have responded to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 1369) for the relief of the Snare & Triest Co.

The message also announced that the House had passed a bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (H. J. Res. 337) to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes, in which it requested the concurrence of the Senate.

PRICES OF FOODSTUFFS.

Mr. FALL. Mr. President, out of order, by unanimous consent I ask leave to submit a Senate resolution, which I will ask to have printed in the Record, together with certain statistics to accompany the same.

Mr. GALLINGER. I think the resolution ought to be read. I ask that it may be read.

Mr. ROBINSON. Pending the request of the Senator from New Mexico, I should like to be informed with regard to the character of the resolution.

Mr. FALL. It is a resolution simply directing the Committee on Finance to investigate with reference to speculative prices of foodstuffs and report whether it is not possible for us to raise some additional revenue from that source. It is in respect to the speculative prices of foodstuffs. I have no desire to discuss it or anything further than to have it printed in the Record and referred to the committee.

The PRESIDING OFFICER. Without objection, the resolution of the Senator from New Mexico will be read.

The Secretary read the resolution (S. Res. 452), as follows:

Whereas the President of the United States has delivered to the Congress a message advising the enactment of legislation for the raising of additional revenue to that already provided for, to the amount of \$100,000,000, to be available at the earliest possible date, and giving his reasons for such request; and

Whereas, as shown by the Agriculture Department and other reports, the wheat and corn crops of the United States, particularly the former, are the greatest which this country has known, the wheat crop totaling something like 900,000,000 bushels as against approximately 763,000,000 bushels last year, of which about 600,000,000 bushels will be consumed in this country, leaving 300,000,000 bushels for export; and

Whereas it is to the interest of the people of this country that the producers of foodstuffs shall receive remunerative prices for their products, and at the same time it is vitally important to all of the people of this country that the present condition of affairs in the balance of the world should not cause an unreasonable advance in the price of foodstuffs here; and

Whereas the President of the United States has called upon the Attorney General and the latter has directed the United States attorneys throughout the country to investigate and prosecute those accused of combining to raise the price of foodstuffs; and

Whereas the foreign demand for wheat during the last year reached the amount of approximately 100,000,000 bushels, to supply which demand we have in sight now at least 300,000,000 bushels; and

Whereas at the close of business on September 4, 1913, the price of wheat for December delivery in the Chicago market was 92½ cents, and of corn for December delivery was 73½ cents, and the price of wheat and corn in the same market for the same delivery on September 4, 1914, was 123½ cents for wheat and 76½ cents bid for corn; Therefore be it

Resolved, That the Finance Committee be, and the same is hereby, requested and directed immediately to investigate and report to the Senate whether it is not feasible, practicable, and to the interest of the people of this country in raising the additional revenue demanded and requested by the President, a tax should not be levied and collected upon the sales of all foodstuffs, including wheat, flour, corn, meal, meats, etc., hereafter sold at more than the high prices for the same upon a corresponding day of last year, and particularly to investigate and report as to advisability of levying of a tax upon the sales of wheat and corn and of flour and meal (based upon the bushel price of wheat and corn) of 50 per cent of the sale price above \$1 per bushel of each and every bushel of wheat sold and 50 per cent of the sale price above 75 cents per bushel of each and every bushel of corn sold, and finally to report whether or not by such taxation as herein proposed the prices to the people of foodstuffs, and particularly of flour, and of wheat and wheat products, and of corn and corn products, would not be maintained in the United States at reasonable and not at speculative or war prices, and whether or not the income derived from such taxation would not at the same time yield all or a large portion of the extra or emergency revenue which the President tells us will be required.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Finance.

Mr. FALL. I ask that the data which I send to the desk be printed in the Record with the resolution.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The matter referred to is as follows:

[From the Washington Times, September 4.]

WHEAT AT CHICAGO SMASHES RECORDS.

CHICAGO, September 4.

Amid an excited buying movement, the wheat closed this afternoon with prices 5 to 6 cents above last night's closing figures, after smashing all previous records. Closing prices were: September, 120½; December, 123½; and May, 130½.

News that all foreign governments are making desperate efforts to secure breadstuffs set the wheat pit in another whirl of buying excitement to-day. The Turkish Ambassador's statement from Washington did not allay the fear that Turkey will become involved in the war.

News that Chicago houses had bought half a million bushels of Nebraska wheat for immediate delivery had no effect in checking the advance.

[From the New York Evening Post, September 4.]

TO-DAY'S CHICAGO MARKETS—EXTREMELY STRONG TONE PREVAILS IN WHEAT—CORN AT HIGH RECORD.

CHICAGO, September 4.

Extreme strength prevailed to-day in wheat and values rushed up to new high levels on the crop on buying by the commission houses, who found offerings small until the top prices were reached. An effort to take profits by some of the early buyers found the market poorly supported, and a sharp reaction followed, but this in turn was followed by a quick rally. There is every indication that an immense export business is under way in flour, the Pillsbury people being reported to have sold 100,000 barrels to France from Minneapolis. The removal of hedges against these sales has been a prime factor in the market. The bullish theory that Europe would have to come to this country for wheat has commenced to work out, and agents of the British, French, and Greece Governments are reported to be active buyers at seaboard markets. Minneapolis also reports a big demand there for rye flour. The present market is almost without precedent, and the trade, being without balancing power, is prone to go to extremes at time. There is no quibbling over the prices paid by foreign buyers, as food products are urgently needed and the United States is the only country where they can be secured. It is the irony of fate that the world's production of all grains this year, with the exception of the United States crops, should be materially smaller than last year, and the immense American surplus is being drawn upon to the utmost. Export clearances to-day aggregated 1,806,000 bushels.

Bullish sentiment predominated in corn, although to a less extent than in other grains. Prices advanced to a new high on the crop, despite the fairly heavy profit taking by some of the leading longs. Le Count estimated the crop at 2,640,000,000 bushels, or 193,000 bushels more than last year's final returns, and this led to free selling at one time, but the continued strength in other grains and the belief that the eastern demand would put in its appearance again next week made a quick rally. Country consignment notices are limited, but 110,000 bushels of contract have been sold to go to store.

[From the Washington Post, September 3.]

FIXES PRICES OF FOOD—BRITISH GOVERNMENT SOON ENDS RAPACITY OF TRADESMEN—RISE IN AMERICA A SURPRISE—ENGLISH UNABLE TO UNDERSTAND WHY NECESSARIES SHOULD COST MORE HERE—PUBLIC HEEDS WARNING TO CONSERVE SUPPLIES, AND CURTAILS USE OF MEATS—RESTAURANTS LOWER PRICES.

LONDON, September 5.

With food prices here only a little above the normal, despite the fact that England is engaged in the greatest war in the country's history, astonishment is created by the reports from New York that in peaceful America the prices of edibles are soaring.

England has set an example in handling the situation which officials here feel might well be emulated in the United States. When, at the beginning of hostilities, dealers jumped the cost of domestic commodities from 20 to 50 per cent the Government created a committee composed of wholesale foodstuff dealers, who since have met weekly to regulate the price of staple articles.

GOVERNMENT MAKES TARIFF.

At the outset the committee discovered that there existed not the slightest justification for increased prices, and issued a report stating that the desire of unscrupulous wholesalers and tradesmen to take advantage of a distressing situation was alone responsible.

Tradesmen are now compelled to exhibit in shops the weekly tariffs decreed by the governmental committee. The result of this has been an end to overcharging. Tradesmen who, for instance, charged 48 cents a pound for bacon soon after the war started are now compelled to accept 28 cents a pound.

PRICES OF NECESSARIES LOW.

Prices of many necessities have been reduced far below what was expected would be the war-time rate. Vegetables are to be had in great quantities. The yield this year has been so abundant that prices for potatoes and other field products are really below normal.

The increase in the cost of meat has not exceeded 4 cents a pound. In view of the present crisis and the great demand for food this is not considered unusual. The Government has appealed to the people to be as sparing as possible in the consumption of foodstuffs, so that the supply will last as long as possible.

CURTAILS THE USE OF MEAT.

The result has been that the public is curtailing its appetite for meat, finding that it is possible to get along with a great deal less than formerly and enjoy life just as well.

The war has almost put an end to the purchase of luxuries. One of the most celebrated silverware dealers in England said to-day that since England declared war on Germany his firm had not sold a single article, except those for officers' kits.

Restaurants which boosted prices at the start of the war have found it necessary to go back to their old rates. Some of the larger eating places, charging what an American might describe as Broadway prices, have dropped charges below the normal in order to get patronage.

SHORTAGE OF FOOD UNLIKELY.

The big hotels where Americans go are feeling the effect of the war. The exodus of Americans has left unoccupied many suites and rooms in the medium-priced as well as expensive hotels. Some places have discharged employees to cut down expenses.

The indications are that as long as England maintains control of the sea she will not suffer from shortage of food or increased food costs. Already committees and associations are planning to reach forth to all parts of the world and supply the markets which Germany during the last 30 years has built up and which, because of the war, the Kaiser's nation is now unable to supply.

COMPARATIVE STATEMENT OF SHIPMENTS OF GRAIN ON SEPTEMBER 2-4, 1913 AND 1914.

[From Daily Trade Bulletin of Bartlett, Frasier & Co., Chicago, of September 3.]

Daily movement of grain and produce.

The following were the receipts and shipments of flour, grain, and produce at Chicago for the past 24 hours as compared with the same time last year:

Articles.	Receipts.		Shipments.	
	1914	1913	1914	1913
Flour.....barrels..	43,000	33,000	36,000	30,000
Wheat.....bushels..	220,000	492,000	374,000	735,000
Corn.....do.....	427,900	764,000	212,000	211,000
Oats.....do.....	630,000	1,000,000	751,000	481,000
Rye.....do.....	12,000	13,000	14,000	4,000
Barley.....do.....	51,000	109,000	2,000	21,000
T. seed.....pounds..	491,000	149,000	131,000	186,000
C. seed.....do.....	.....	10,000	17,000	31,000
O. seeds.....do.....	280,000	40,000	56,000	198,000
F. seed.....bushels..	2,000	.....	.....	.....
B. corn.....pounds..	80,000	46,000	55,000	202,000
C. meats.....do.....	894,000	275,000	1,431,000	3,531,000
Canned meats.....cases..	.....	.....	4,284	6,878
Fresh meats.....pounds..	1,325,000	1,759,000	1,455,000	5,579,000
Beef.....do.....	.....	.....	32	410
Do.....barrels..	.....	.....	123	521
Pork.....do.....	.....	.....	337	1,324
Lard.....pounds..	40,000	65,000	535,000	1,878,000
Cheese.....do.....	211,000	494,000	263,000	332,000
Butter.....do.....	639,000	1,147,000	885,000	1,036,000
Eggs.....cases..	10,203	18,222	6,714	12,959
Cottonseed oil.....pounds..	53,000	.....	32,000	5,000
L. hogs.....number..	22,518	23,654	3,659	6,972
Cattle.....do.....	15,373	20,924	4,998	6,167
Sheep.....do.....	21,035	43,607	12,659	12,266
Hides.....pounds..	441,000	401,000	272,000	1,094,000
Wool.....do.....	75,000	127,000	641,000	232,000
Lumber.....thousand..	6,381	9,883	4,238	5,613
Shingles.....number..	1,732	1,197	1,945	1,483
Salt.....barrels..	13,012	9,668	1,844	2,257
Hay.....tons.....	807	1,303	143	.....
Potatoes.....bushels..	41,000	71,000	8,000	8,000

Daily movement of flour.

The receipts and shipments of flour at the points given on the dates named were as follows:

	Receipts.		Shipments.	
	Sept. 3, 1914.	Sept. 4, 1913.	Sept. 3, 1914.	Sept. 4, 1913.
WESTERN POINTS.				
Chicago.....	43,000	33,000	36,000	30,000
Milwaukee.....	9,000	27,000	17,000	4,000
Minneapolis.....	.....	.....	73,000	54,000
Duluth.....	.....	.....	.....	.....
St. Louis.....	16,000	15,000	14,000	20,000
Toledo.....	.....	.....	.....	.....
Detroit.....	1,000	1,000	1,000	1,000
Kansas City.....	.....	.....	9,000	7,000
Peoria.....	9,000	2,000	8,000	6,000
Cincinnati.....	3,000	.....	1,000	.....
Total.....	81,000	78,000	159,000	122,000
SEABOARD.				
New York.....	31,000	47,000	45,000	5,000
Boston.....	5,000	11,000	.....	8,000
Philadelphia.....	9,000	6,000	.....	.....
Baltimore.....	2,000	9,000	.....	24,000
New Orleans.....	39,000	10,000	1,000	6,000
Galveston.....	.....	.....	.....	.....
Newport News.....	.....	.....	.....	.....
Total.....	86,000	83,000	46,000	43,000
Grand total.....	167,000	161,000	205,000	165,000

Daily movement of wheat.

The receipts and shipments of wheat at the points given on the dates named were as follows:

	Receipts.		Shipments.	
	Sept. 3, 1914.	Sept. 4, 1913.	Sept. 3, 1914.	Sept. 4, 1913.
WESTERN POINTS.				
Chicago.....	220,000	492,000	374,000	735,000
Milwaukee.....	54,000	56,000	16,000	23,000
Minneapolis.....	478,000	336,000	154,000	167,000
Duluth.....	359,000	361,000	89,000	278,000
St. Louis.....	66,000	66,000	47,000	135,000
Toledo.....	25,000	5,000	6,000	11,000
Detroit.....	13,000	2,000	7,000	.....
Kansas City.....	366,000	42,000	505,000	88,000
Peoria.....	3,000	2,000	5,000	1,000
Omaha.....	28,000	66,000	34,000	41,000
Indianapolis.....	1,000	5,000	5,000	5,000
Cincinnati.....	10,000	.....	4,000	.....
Total.....	1,632,000	1,433,000	1,246,000	1,433,000
SEABOARD.				
New York.....	29,000	23,000	65,000	181,000
Boston.....	60,000	143,000	62,000	62,000
Philadelphia.....	46,000	11,000	171,000	32,000
Baltimore.....	74,000	89,000	.....	.....
New Orleans.....	299,000	65,000	284,000	.....
Galveston.....	52,000	44,000	199,000	.....
Newport News.....	.....	.....	.....	115,000
Total.....	500,000	292,000	762,000	390,000
Grand total.....	2,132,000	1,725,000	2,008,000	1,823,000

140,000 bushel bonded.

[From the New York Evening Post, September 4.]

Exports of wheat and flour as wheat, and also of corn, from the United States and Canada, both coasts, for the week ending September 3, according to Bradstreet's, are as follows, in bushels:

	This week.	Previous week.	Same week a year ago.
Wheat.....	9,737,198	9,397,627	5,061,585
Corn.....	79,091	90,174	43,887

The aggregate shipments since July 1 are:

	1914	1913
Wheat.....	64,797,210	52,479,117
Corn.....	493,649	799,144

[From the New York World.]

FOOD GAMBLERS.

While political economists and large operators in food supplies in their different ways pretend to explain the reasons for the sudden

rise in the cost of necessities of life, occasional facts that come to light are more convincing evidence than all the theories offered. A Sugar Trust official testifying at the food inquiry told how a shipload of sugar had crossed the Atlantic three times in search of higher prices. In the last few weeks it was sent from New York to Liverpool, then returned to New York and finally hurried again to England to get the benefit of the war prices. There was no actual shortage here, but in the meantime local prices were being steadily hoisted.

DIPLOMATIC AND CONSULAR EXPENSES IN EUROPE.

The joint resolution (H. J. Res. 337) to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes, was read the first time by its title.

Mr. GALLINGER. Let the joint resolution be read at length. That is a very important matter.

The joint resolution was read the second time at length and referred to the Committee on Appropriations, as follows:

Resolved, etc. That to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere, by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be available during the fiscal year 1915, and to be disbursed under the direction and in the discretion of the Secretary of State: *Provided*, That payments made by foreign Governments or their citizens or subjects shall be credited to this appropriation and be available for the purpose herein specified: *Provided further*, That all sums received by the United States in final reimbursement of amounts paid out of the \$1,000,000 herein appropriated shall be paid into the Treasury of the United States as "miscellaneous receipts."

The Secretary of State shall submit to Congress at the next session, or as soon thereafter as may be practicable, a report of the amount repaid to the United States, with such further information upon the subject as may be, in his judgment, consistent with the public interest.

EMELINE E. PHELPS.

The joint resolution (H. J. Res. 334) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, was read twice by its title and referred to the Committee on Pensions.

Mr. SMOOT subsequently said: From the Committee on Pensions I report back favorably without amendment the joint resolution (H. J. Res. 334) to amend an act entitled "An act granting pensions and increase of pensions," and so forth. I will state that it is just to correct an error in a pension bill. I ask unanimous consent for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the paragraph in House bill 13542, approved July 21, 1914 (Private, No. 88, 63d Cong.), granting an increase of pension to one Emeline E. Phelps be corrected and amended so as to read as follows:

The name of Emeline E. Phelps, widow of George M. Phelps, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 7553. An act for the relief of the estate of Moses M. Bane; and

H. R. 9092. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased.

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of \$1,500 for cigar stamps lost or stolen in transit, was read twice by its title and referred to the Committee on Finance.

FEDERAL TRADE COMMISSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS] to agree to the conference report on the disagreeing votes of the two Houses upon the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes.

Mr. SMOOT. The yeas and nays have been ordered.

Mr. BURTON. I understand the yeas and nays have been asked for upon the motion.

The PRESIDING OFFICER. The Chair is informed that the yeas and nays were not ordered.

Mr. SMOOT. That is what we have been voting on for quite a while.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I announce the same pair and transfer as before and vote "yea."

Mr. PERKINS (when his name was called). I again announce the transfer of my pair with the junior Senator from North Carolina [Mr. OVERMAN] to my colleague [Mr. WORKS]. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. I ask to be counted as present.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). I observe that the senior Senator from Tennessee [Mr. LEA], with whom I have a general pair, has not voted, but I am credibly informed that if he were present he would vote for the adoption of the report. I have voted in the affirmative and will allow my vote to stand.

Mr. LEWIS. May I be pardoned to state that the Senator from Indiana [Mr. KERN] is absent, as heretofore stated, and that if he were here he would vote "yea." I was requested to make this statement.

Mr. WALSH. I transfer my pair with the Senator from Rhode Island [Mr. LIPPITT] to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY] and vote "nay." I wish to state that the senior Senator from Indiana is unavoidably detained from the Senate to-day.

Mr. WALSH. The Senator from Missouri has transferred his pair to the Senator from Indiana [Mr. SHIVELY]. Under the terms of my pair with the Senator from Rhode Island [Mr. LIPPITT] I am entitled to vote. I will therefore allow my vote to stand.

Mr. CHILTON. I wish to announce the necessary absence of the junior Senator from Kentucky [Mr. CAMDEN].

The result was announced—yeas 39, nays, 5, as follows:

YEAS—39.

Ashurst	Hughes	Pittman	Sterling
Bankhead	Kenyon	Polindexter	Stone
Brady	Lee, Md.	Pomerene	Swanson
Bryan	Lewis	Ransdell	Thompson
Chamberlain	Martine, N. J.	Robinson	Thornton
Chilton	Myers	Shafroth	Vardaman
Clapp	Newlands	Sheppard	Walsh
Crawford	Norris	Shields	White
Fall	O'Gorman	Simmons	Williams
Fletcher	Perkins	Smith, Ga.	

NAYS—5.

Burton	McLean	Oliver	Smoot
Gallinger			

NOT VOTING—52.

Borah	Goff	Lodge	Smith, Ariz.
Brandagee	Gore	McCumber	Smith, Md.
Bristow	Gronna	Martin, Va.	Smith, Mich.
Burleigh	Hitchcock	Nelson	Smith, S. C.
Camden	Hollis	Overman	Stephenson
Catron	James	Owen	Sutherland
Clark, Wyo.	Johnson	Page	Thomas
Clarke, Ark.	Jones	Penrose	Tillman
Colt	Kern	Reed	Townsend
Culberson	La Follette	Root	Warren
Cummins	Lane	Saulsbury	Weeks
Dillingham	Lea, Tenn.	Sherman	West
du Pont	Lippitt	Shively	Works

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Perkins	Smoot
Bankhead	Hughes	Pittman	Sterling
Brady	Kenyon	Polindexter	Swanson
Bryan	Lee, Md.	Pomerene	Thompson
Burton	Lewis	Ransdell	Thornton
Chamberlain	Martine, N. J.	Robinson	Vardaman
Chilton	Myers	Shafroth	Walsh
Clapp	Newlands	Sheppard	West
Crawford	Norris	Shields	White
Fall	O'Gorman	Simmons	Williams
Fletcher	Oliver	Smith, Ga.	

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. LANE, Mr. REED, and Mr. STONE answered to their names when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Sergeant at Arms will enforce the order of the Senate heretofore made to compel the attendance of absent Senators.

Mr. CHAMBERLAIN. I suppose that means compulsion by warrant or whatever process is necessary?

The PRESIDING OFFICER. Whatever process is authorized by the law and the rule of the Senate.

Mr. CHAMBERLAIN. I hope it will be enforced.

Mr. VARDAMAN. That does not include Senators who are not well?

The PRESIDING OFFICER. The Chair should judge not.

Mr. McLEAN and Mr. NELSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the conference report on the trade commission bill, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before and vote "yea."

Mr. PERKINS (when his name was called). I again announce the transfer of my pair with the Senator from North Carolina [Mr. OVERMAN] to my colleague [Mr. WORKS] and vote "yea."

Mr. STONE (when his name was called). Announcing the same pair and its transfer as on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote. I desire to be counted as present to make a quorum.

The roll call was concluded.

Mr. PITTMAN. I announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of his health. He is paired with the junior Senator from Rhode Island [Mr. COLT].

The result was announced—yeas 39, nays 4, as follows:

YEAS—39.

Ashurst	Kenyon	Pittman	Sterling
Bankhead	Lee, Md.	Polindexter	Stone
Brady	Lewis	Pomerene	Swanson
Bryan	Martine, N. J.	Ransdell	Thompson
Chamberlain	Myers	Robinson	Thornton
Chilton	Nelson	Shafroth	Vardaman
Clapp	Newlands	Sheppard	West
Fall	Norris	Shields	White
Fletcher	O'Gorman	Simmons	Williams
Hughes	Perkins	Smith, Ga.	

NAYS—4.

Burton	Gallinger	Oliver	Smoot
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NOT VOTING—53.

Borah	Goff	McCumber	Smith, Mich.
Brandeggee	Gore	McLean	Smith, S. C.
Bristow	Gronna	Martin, Va.	Stephenson
Burleigh	Hitchcock	Overman	Sutherland
Camden	Hollis	Owen	Thomas
Catron	James	Page	Tillman
Clark, Wyo.	Johnson	Penrose	Townsend
Clarke, Ark.	Jones	Reed	Walsh
Colt	Kern	Root	Warren
Crawford	La Follette	Saulsbury	Weeks
Culberson	Lane	Sherman	Works
Cummins	Lea, Tenn.	Shively	
Dillingham	Lippitt	Smith, Ariz.	
du Pont	Lodge	Smith, Md.	

The VICE PRESIDENT. No quorum is present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kenyon	Perkins	Smoot
Brady	Lee, Md.	Pittman	Sterling
Bryan	Lewis	Polindexter	Stone
Burton	McLean	Pomerene	Swanson
Chamberlain	Martine, N. J.	Ransdell	Thomas
Chilton	Myers	Reed	Thornton
Clapp	Nelson	Robinson	Vardaman
Fall	Newlands	Shafroth	Walsh
Fletcher	Norris	Sheppard	West
Gallinger	O'Gorman	Simmons	White
Hughes	Oliver	Smith, Ga.	Williams

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. LANE answered to his name when called.

Mr. SHIELDS, Mr. THOMPSON, Mr. BANKHEAD, and Mr. McCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is on agreeing to the report of the committee of conference on the trade commission bill. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PERKINS (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. STONE (when his name was called). Announcing my pair and its transfer as on the last vote, I vote "yea."

Mr. THOMAS (when his name was called). Again announcing my pair, I withhold my vote but ask to be counted present to make a quorum.

Mr. WALSH (when his name was called). In view of the likelihood that my vote will be necessary in order to make a quorum, under agreement with my pair I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. REED. If there is no quorum present, the conditions of my pair permit me to vote. I will inquire if a quorum has voted?

The VICE PRESIDENT. A quorum has not voted.

Mr. REED. Under those circumstances I vote "yea."

The result was announced—yeas 42, nays 5, as follows:

YEAS—42.

Ashurst	Kenyon	Pittman	Stone
Bankhead	Lane	Polindexter	Swanson
Brady	Lee, Md.	Pomerene	Thompson
Bryan	Lewis	Ransdell	Thornton
Chamberlain	Martine, N. J.	Reed	Vardaman
Chilton	Myers	Robinson	Walsh
Clapp	Nelson	Shafroth	West
Crawford	Newlands	Sheppard	White
Fall	Norris	Shields	Williams
Fletcher	O'Gorman	Simmons	
Hughes	Perkins	Smith, Ga.	

NAYS—5.

Burton	McCumber	McLean	Smoot
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NOT VOTING—49.

Borah	Goff	Martin, Va.	Smith, S. C.
Brandeggee	Gore	Oliver	Stephenson
Bristow	Gronna	Overman	Sterling
Burleigh	Hitchcock	Owen	Sutherland
Camden	Hollis	Page	Thomas
Catron	James	Penrose	Tillman
Clark, Wyo.	Johnson	Root	Townsend
Clarke, Ark.	Jones	Saulsbury	Warren
Colt	Kern	Sherman	Weeks
Culberson	La Follette	Shively	Works
Cummins	Lea, Tenn.	Smith, Ariz.	
Dillingham	Lippitt	Smith, Md.	
du Pont	Lodge	Smith, Mich.	

The VICE PRESIDENT. There is neither a quorum voting nor a quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Perkins	Stone
Brady	Kenyon	Pittman	Swanson
Bryan	Lane	Polindexter	Thomas
Chamberlain	Lee, Md.	Pomerene	Thornton
Chilton	Lewis	Ransdell	Vardaman
Clapp	Martine, N. J.	Robinson	Walsh
Clarke, Ark.	Myers	Shafroth	West
Crawford	Nelson	Sheppard	White
Fall	Newlands	Shields	Williams
Fletcher	Norris	Simmons	
Gallinger	O'Gorman	Smoot	

Mr. SIMMONS. I wish to announce the necessary absence of my colleague [Mr. OVERMAN] from the city. He is paired with the Senator from California [Mr. PERKINS].

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. REED and Mr. SMITH of Georgia answered to their names when called.

Mr. BANKHEAD entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will—

Mr. BURTON. Mr. President, is my name recorded?

The VICE PRESIDENT. It is not.

The Secretary called the name of Mr. BURTON, and he answered "Present."

Mr. CHAMBERLAIN. Mr. President, I suggest that under clause 3 of Rule V, compulsory process be issued to compel the attendance of the Senators who are absent.

Mr. LEWIS. It has been.

The VICE PRESIDENT. That has already been ordered. The Sergeant at Arms will carry out the instructions of the Senate to compel the attendance of absent Senators.

Mr. THOMPSON entered the Chamber and answered to his name.

Mr. STONE. Mr. President, when a Senator is absent from the city, as I am told quite a number are, I should like to ask whether it is the duty of the Sergeant at Arms, under the order now operating, to employ such number of men as may be necessary and such force as may be necessary to send for Senators and bring them to this Chamber?

The VICE PRESIDENT. The Chair assumes that the Sergeant at Arms knows what his duties are, and how to perform them, and what the precedents of the Senate are.

Mr. STONE. That may be; perhaps he does, and perhaps my question was not entirely a parliamentary or proper one to address to the Chair. I question very much, however, whether the Sergeant at Arms would go out of this city, or even go into this city, and physically arrest a Member of the Senate and bring him before the bar of the Senate, without a warrant for him.

Mr. CLARKE of Arkansas. Nobody claims that he can.

Mr. STONE. My friend from Arkansas not only confirms what I have said, but he states in very emphatic terms that it can not be done. It seems to me, if this order is to be executed—

Mr. GALLINGER. Mr. President, I rise to a question of order. In the absence of a quorum this is all out of order. The Senate can not take any action on anything in the absence of a quorum.

Mr. STONE. Can it be possible that the Senator from New Hampshire does not wish any action taken?

Mr. GALLINGER. I wish to have the rules of the Senate obeyed; that is all. The Senate can not pass any order in the absence of a quorum. The Senator from Missouri knows that.

Mr. STONE. I am inclined to think the Senate can pass an order to compel the attendance of Members to make a quorum.

Mr. SMOOT. It can do so under the rules, and that is what we are doing.

Mr. SMITH of Georgia. And under the Constitution.

Mr. STONE. I am discussing the very question of compelling the attendance of Senators and the method of doing it, and I think it is in order.

Mr. GALLINGER. I make a point of order against it, and will submit to the decision of the Chair. The rule is explicit.

Mr. STONE. That is a very positive statement; but I think, under the Constitution of the United States, a minority of the Senate has a right to compel the attendance of Senators.

Mr. CLARKE of Arkansas. Mr. President, may I be permitted to recall to the attention of my friend from Missouri the language of section 5 of Article I of the Constitution? I do not do it for the purpose of enlightening him, for he seems to be entirely familiar with its provisions:

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide.

I have gotten so much into the habit of agreeing with the Senator from New Hampshire that it takes the provisions of the Constitution to make me disagree with him.

Mr. GALLINGER. I am always very glad to be enlightened, and the Senator from Arkansas frequently enlightens me. I had not looked at the constitutional provision. I was thinking merely of the rules of the Senate; and I think the Senator is right in calling the attention of the Senate to the provision of the Constitution.

Mr. SMOOT. Mr. President, I think the Constitution applies to the question whether or not there is a quorum present at the convening of a Congress. If there is not a quorum present then they can compel the attendance of a quorum; but we are working here under the rules of the Senate, and the rules of the Senate are very, very explicit upon this point.

Mr. STONE. We are working under the Constitution of the United States also.

Mr. SMOOT. That is true. If at the convening of a Congress there should not be present a quorum of Senators or Congressmen, under the Constitution of the United States they can be compelled to attend; but the Senate is in session and working under the rules of the body.

The VICE PRESIDENT. There is no question about the rule.

Mr. SMOOT. None whatever.

The VICE PRESIDENT. The rule says that—

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate.

The present occupant of the chair was not in the chair at the time, but he is informed that there has been an order entered to compel the attendance of absent Senators.

Mr. CHAMBERLAIN. Mr. President, a parliamentary inquiry. I understand that before compulsory process is issued it will have to be signed by the Presiding Officer of the Senate.

May I ask the Vice President whether he has signed any such compulsory process?

The VICE PRESIDENT. I have not. I will say to the Senator that I shall be very glad to do so.

Mr. CHAMBERLAIN. Then, Mr. President, I move that the Vice President be requested to sign compulsory process to compel the attendance of absent Senators.

Mr. CLARKE of Arkansas. Mr. President, I think the procedure established by custom, if not by positive technical rule, is first to direct the Sergeant at Arms to request the attendance of absent Senators. The rule itself contemplates that.

The VICE PRESIDENT. That is a standing order, and it has been done three times to-day.

Mr. CLARKE of Arkansas. I was about to suggest that a standing order about that can not be made. I think it is one of those situations that will have to be dealt with as it arises. I do not believe a blanket regulation of that kind, applying to all sorts of conditions, can be adopted. I think the language of the Constitution of the United States, when taken in connection with our rules, contemplates that the minority shall exercise its judgment upon that matter upon every occasion when the necessity for it is apparently presented.

I know that has not been the practice, but I do not believe the other course can be lawfully followed. I think, first, before you lay the foundation for a writ of arrest you must direct the Sergeant at Arms to direct the attendance of Senators; and if that is not sufficient, after a reasonable effort in that behalf has been made, then the more drastic process of a writ would be the remedy.

Mr. SMITH of Georgia. Mr. President, the effort by request was made to-day before the order of direction was given.

The VICE PRESIDENT. It has been done once to-day. They have been requested to attend.

Mr. SMITH of Georgia. At the time the absence of a quorum was observed the fact was called to the attention of the Chair, and the suggestion of a motion to request the presence of Senators was made, when the statement was also made that there was a general rule to request the attendance of absent Senators, and the Sergeant at Arms was directed by the Chair to request their attendance.

Mr. CLARKE of Arkansas. The request comes from the Senators present:

Whenever upon such roll call it shall be ascertained—

It must be ascertained upon a roll call—

that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request—

It is a request that proceeds, not from the Chair, but from the majority of the Senators present.

Mr. SMOOT. I will say to the Senator from Arkansas that the Senator from Nevada [Mr. NEWLANDS] made that motion earlier in the day and a majority of the Senators present adopted it.

Mr. SMITH of Georgia. That was a request.

Mr. SMOOT. No; asking that they be compelled to attend.

Mr. CLARKE of Arkansas. That was upon a former ascertainment of the want of a quorum. The absence of a quorum has just been developed. I think each situation must be dealt with as it arises.

Mr. SMOOT. I agree with the Senator as to that, but I was simply saying that I believe every step has been taken under the rules, and taken to-day.

Mr. CLARKE of Arkansas. Of course the Chair must not understand me as raising any controversy with the Chair. I have not been present all the time.

The VICE PRESIDENT. This is what has occurred three times to-day: Three times to-day, upon a roll call and a request for the attendance of absent Senators, a quorum has developed in the Senate of the United States, and when the vote is taken the quorum straightaway disappears. Now, is the Senator from Arkansas insisting that each time there shall be a request for Senators to return when it is well known that there is a sufficient number of Senators within the city of Washington to make a quorum here?

Mr. CLARKE of Arkansas. Mr. President, I am only insisting that the rule of the Senate and the provision of the Constitution shall be observed, because if the Sergeant at Arms should arrest a Senator without due process he might subject himself to the same penalty that a former Sergeant at Arms of the House of Representatives encountered in the celebrated case of Thompson against Kilbourn.

There is not any trouble about the matter if the rule shall be observed. I think every time the absence of a quorum is ascertained the first order should be to request Senators to attend. If they do not attend within a reasonable time, then

it is competent for the Senators present to cause a writ to be issued, naming the Senators to be brought before the Senate; that writ to be signed and attested in the way that such documents usually are.

The VICE PRESIDENT. In other words, the view of the Senator from Arkansas is that we are to proceed as we have been proceeding this day to secure a quorum, vote upon the question that was ordered to be voted upon, then, if it be disclosed on the vote that there is not a quorum in the Chamber, call the roll again for a quorum, make a second request for them to attend, get in a sufficient number to constitute a quorum, and then vote on the question and have it disclosed that there is no quorum present, Senators having left the Chamber, that having been done to the certain knowledge of the Chair three times to-day?

Mr. CLARKE of Arkansas. Yes; or let it be done twenty-three times, if the necessity for it arises.

The VICE PRESIDENT. That is the idea of the Senator from Arkansas?

Mr. CLARKE of Arkansas. That is the text of the Constitution and the rule of the Senate.

Mr. STONE. Mr. President, so that we may not be involved in any mistake, I suggest that the Sergeant at Arms be directed to request the attendance of absent Senators, so far as such a request is practicable, personally, by telephone, and by telegraph, and make his report to the Senate; and if a quorum is not disclosed to continue business in the Senate, that the necessary warrants be issued for the forcible bringing of Senators to the bar of the Senate, and that that order be not suspended until it has been fully executed. For the present, my suggestion is that the Sergeant at Arms carry out the order of the Senate, request Senators to appear personally, if he can find them, by telephone, if he can reach them in that way, or by telegraph, and make a report to the Senate, as soon as he has covered the ground, as to each Senator.

Mr. WILLIAMS. Does the Senator mean to wait for the report until he gets an answer from each Senator?

Mr. STONE. No; let him report what he has done.

Mr. SMITH of Georgia. Mr. President, the Senator from Arkansas, for whose knowledge of the rules and for whose opinion on questions of law we all have great respect, seriously doubts whether the order to enforce attendance can be sustained unless in each instance we first make a formal vote of direction to request. It will be very easy for us, if he is correct in that view, to pass now a formal order to request, and follow that up after a little by a direction to compel the attendance of Senators.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Georgia a question. Suppose, in consonance with the request, a majority come in and answer "present," but progress is not made. We have done that half a dozen times. Then that vacates the order.

Mr. SMITH of Georgia. I do not think so, unless the Senate vacates it.

Mr. WILLIAMS. That is just the point the Vice President is making, that it is not vacated, and therefore it has not been complied with, and therefore a second motion, to wit, to compel their attendance, is in order.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

Mr. SMITH of Georgia. Certainly.

Mr. FALL. Is it the idea of the Senator from Georgia that the Senate can make a standing order of that kind, and that the Sergeant at Arms will then arrogate to himself the privilege every morning, noon, and evening to gather in from the four corners of the earth what he considers a quorum on a vote for the balance of this session?

Mr. SMITH of Georgia. My view is that if we direct the Sergeant at Arms to proceed to compel the attendance of absent Senators, until we revoke that direction he continues his work; and that has been the practice in the Senate so far as I have observed. The usual practice has been, as soon as he reports a quorum present, to vacate the order of direction.

Mr. FALL. The very fact that we have developed a quorum three different times this afternoon, according to the statement of the Vice President, is sufficient answer, it seems to me, to the argument of the Senator from Georgia. We have developed a quorum three different times. That has answered the direction of the Sergeant at Arms; and then, upon the roll call, some Members absent themselves and do not come in, and what are you going to do about your standing order?

Mr. SMITH of Georgia. I have no doubt it is in the power of the Senate to continue to enforce the presence of Senators, even when there is a sufficient number present to constitute a quorum.

Mr. FALL. I have no doubt of that power; but I do not believe a standing order can be made by the Senate directing the Sergeant at Arms, whenever a vote develops the fact that there is not a quorum here, to go out and arrest and bring in Members. I think we must deal with the matter in each case.

Mr. WILLIAMS. Mr. President, I wish to call the attention of both Senators to the fact that the order already given by the Senate has not been vacated by a vote of the Senate during this legislative day.

Mr. FALL. If the Senator will yield for a moment, that order has been complied with and a quorum has been developed upon the order.

Mr. WILLIAMS. I beg the Senator's pardon; the order was not to produce a quorum at all. That never is the order. The order is to request, and then, later on, the second order is to compel the presence of absent Senators.

Mr. FALL. That is for the purpose of developing a quorum.

Mr. WILLIAMS. The presence of a quorum does not vacate the order. It is not vacated until the Senate, by a vote, vacates it. Of course the Senate can not make an order during this legislative day to go over into another one, but for the legislative day that order is not vacated until the Senate vacates it by a vote; and notwithstanding the appearance of a quorum it is the duty of the Sergeant at Arms to go on requesting the presence of other absent Senators.

Mr. FALL. Mr. President, I unhesitatingly say to the Senator from Mississippi that under a general order undertaking to extend to the Sergeant at Arms the power to arrest me during the legislative day he would do exactly what I would do: He would refuse, and stand upon his constitutional rights, and require that that order be made in each instance.

Mr. WILLIAMS. That may be the Senator's view; but if I did I would stand upon my constitutional peril, in my own opinion, and not upon my constitutional rights.

Mr. FALL. This is the first time I have ever heard a suggestion of that character.

Mr. WILLIAMS. I do not think an order of the Senate is vacated until the Senate vacates it.

Mr. CLARKE of Arkansas. The Senate never made it.

Mr. WILLIAMS. The Senate did make an order to request the attendance of absent Senators.

Mr. CLARKE of Arkansas. The Senator is entirely mistaken. The order was made by the Senators present. If a majority is present, there is no occasion for the order. It is not the official action of the Senate as a Senate, but the action of a certain minority of Senators.

Mr. WILLIAMS. But the Constitution itself gives to less than a quorum the power to compel the attendance of absent Senators; so the action of less than a quorum in compelling the attendance of absent Senators is the action of the Senate under the Constitution of the United States itself.

Mr. CLAPP. Mr. President, I wish to call the attention of the Senator from Georgia to the fact that so long as we continue as we have done this afternoon we shall never reach the final issuance of a writ. There is confusion here between the request of Senators to answer to their names and the issuance of the writ, and we never can cure this situation until we are in a position where we can issue the writ. When the Sergeant at Arms is directed to request the attendance of Senators, enough come in here just to make a quorum; and upon a quorum being disclosed the Senate would not then, of course, proceed to direct the issuance of the writ.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me to interrupt him, I will call his attention to the action of the Senate in the Fifty-second Congress:

The President pro tempore decided that it was competent for the Senate under its rules to order the attendance of absent Senators when a quorum is present—

Mr. CLAPP. Undoubtedly.

Mr. SMITH of Georgia (continuing):

it being a right inherent in every legislative body to compel the attendance of absent members.

As I understand the view of the Senate, it is that we propose not only to compel the attendance of sufficient Members to give us a quorum, but to compel the attendance of absent Senators whom the Senate has not excused even if we have a quorum, so as really to have a working quorum here.

Mr. CLAPP. There is no question of the power to do that, but the trouble is with the practical phase of it. The moment we get a quorum here, just enough to go on with the roll call, we abandon the question of a quorum and proceed with the vote, and we do not get enough Senators here to make a substantial and working quorum. Now, I should like to join with the Senator to secure that result.

Mr. SMITH of Georgia. If the Senator will yield for a moment, what I was insisting was that our direction to compel the attendance of Senators should continue even if we had a temporary quorum, and that we should compel the attendance of sufficient Senators to do business, and keep a working, voting quorum.

Mr. CLAPP. Yes; but the trouble with that is that practically we will not do it after we get a quorum. The provision for that writ has to be made at some stage of our proceedings when we have no quorum here or we never will get to the point of a writ. Now, mark my words.

Mr. GALLINGER. Mr. President, it is rather interesting to me to hear Senators who have had their vacations argue now that we ought to take drastic action in this matter. That interests me very much.

The precedents on this point are numerous, but I will refer only to two of them.

When Mr. Manderson was President pro tempore of the Senate—and we never had a more able parliamentarian in the chair, I think—the President pro tempore, Mr. Manderson, decided that it was—

competent for the Senate under its rules to order the attendance of absent Senators when a quorum is present, it being a right inherent in every legislative body to compel the attendance of absent Senators who are not present for duty and who have not been excused.

Mr. Ferry was also a very well acknowledged parliamentarian who presided over the body at an earlier day.

Mr. Pomeroy here made a point of order, viz, that the Senate having made no provisions in its rules for compelling the attendance of absent Senators, which could be made only by a quorum of the body, it was not in the power of a minority of the Senate by adopting the proposed order to change the existing rule on the subject, and that the motion of Mr. Howe was, therefore, not in order.

Mr. Howe had submitted a motion that the Sergeant at Arms be directed to compel the attendance of Senators.

The Presiding Officer (Mr. Ferry, of Michigan, in the chair) sustained the point of order and ruled the motion of Mr. Howe not in order.

And so it goes on, Mr. President, through the precedents. I have noticed half a dozen, which I will not read.

I think the suggestion I made in the first place, that under our rules nothing was in order except to find a quorum or to adjourn, was correct. I still entertain that view, although I was somewhat disturbed by the reading from the Constitution of the provision which the Senator from Arkansas [Mr. CLARKE] read. If that applies to the legislative session after the Senate has organized, I think it would be controlling; but I am inclined to think the point made by the Senator from Utah [Mr. SMOOT], that it relates to the initial meeting of the body, has a good deal of force.

Mr. CLARKE of Arkansas. Mr. President, the phase of the question I called to the attention of Senators present was not altogether founded on tradition and what we call practice, but represents the determination of the Senate taken on the 24th day of February, 1879. It will be found on page 15 of Gilfry's Precedents:

On motion of Mr. Harris that the Sergeant at Arms be directed to compel the attendance of absent Senators, Mr. Merrimon, of North Carolina, raised a question of order, namely, that under the third rule of the Senate the motion should be preceded by a motion to request the attendance of absent Senators, the Presiding Officer submitted the question to the Senate, Should the motion to compel be preceded by a motion to request the attendance of absent Senators, and it was decided in the affirmative—yeas 24, nays 12.

That is all I have ever said about it, and that is what I think ought to be done, because the rule was written in view of the uniform habit of the Senate to discharge its duties according to its obligations. It many times happens that a number sufficient to make a quorum are casually upon official business away, like at committee meetings near the Chamber, and all that is required is to notify them that their presence in the Senate is desired in order that a quorum may appear. It would be an outrage upon their personal feelings and rights, in the first instance, to send the Sergeant at Arms there with a writ and have them brought in here and lined up in front of the Chair to receive such condemnatory treatment as somebody might think they were entitled to. Our whole proceeding here is based on the assumption that Senators will do their duty when attention is called to it, and a coercive process is a rare exception and has been very infrequently resorted to in the history of this great body.

Mr. MARTINE of New Jersey. Mr. President, I feel, in justice to one of the absentees, I should state that the Senator from Kentucky [Mr. CAMDEN] was last evening called away by a telegram to the bedside of his daughter, who is very ill, and he may be detained from the Senate for some days. In justice to that situation, I feel like making this statement, that he may be left out of any calculation as a delinquent.

Mr. SHAFROTH. Mr. President, I think the difficulty occurs very largely in not having a rule here like they have in the

House of Representatives; that is, that whenever there is a vote taken which discloses the want of a quorum, absent Members as they are brought into the body answer "yea" or "nay," and whenever a quorum is obtained then the vote upon the question has been taken at the same time.

We are all apt to be impatient, but there are very few Members here who have not been absent a good deal. I believe in sending for absent Members, but I do not believe in sending clear across the continent for them, because they are not absent unless there are very urgent reasons why they should be away.

I believe we should have a rule that the doors should be closed and Senators should be kept here until after absentees come in and answer on a yea-and-nay vote upon any pending issue. Then we would not have the absence of a quorum disclosed and the roll called to obtain a quorum and the presence of a quorum announced on a separate call.

Mr. President, it seems to me that what we ought to do is to have the Sergeant at Arms use his discretion in trying to compel the attendance of absent Senators. I think if they are within 500 miles they ought to come, but I do not believe he should send clear across the continent for Members who are not present and who have matters of great affairs there, and then when they get here there may be nothing of very great importance pending at that particular time. It seems to me that would be wrong.

I believe we ought to have the attendance of a quorum, and to secure it I believe when a vote has been taken by yeas and nays and no quorum has voted the doors ought to be closed and Senators coming in afterwards should answer "yea" or "nay" or be counted as present.

Mr. GALLINGER. Mr. President, I again rise to a question of order that under the rules of the Senate debate in the absence of a quorum is not in order.

Mr. SMOOT. I believe the Senator from New Hampshire is absolutely correct. As long as other Senators were speaking I simply wanted to express my opinion of the rule and of the past practice of the Senate. If there is any objection, however, I will not proceed.

Mr. GALLINGER. Mr. President, I have made the point.

Mr. WALSH. Mr. President, I should certainly decline to accept that view unless there were some very well-settled precedents showing that that construction had been given to the Constitution of the United States. That instrument declares that a majority shall constitute a quorum, but that a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Senators. That contemplates the issuance of process by order of the minority.

Certainly, then, Mr. President, the advisability of taking that course is a proper subject for debate by a minority of the Members. At least it does seem to me quite plain, and I had always supposed that there would be no question about it until the contrary was recently announced.

Mr. SMOOT. Mr. President, I will occupy but a few moments of the Senate's time. As I stated, I have always understood the provision of the Constitution just referred to by the Senator from Montana had reference to a time when a majority of either House of Congress refused to organize, and under such a condition a minority present, either in the Senate or the House, would have a right to compel absent Members of their respective Houses to attend and make a quorum.

Mr. President, I have been in the Senate now for 11 years and over, and this is the first time during my service the Senate has had to resort to this way to compel the attendance of a quorum of the Senate.

I hope we will not lose our heads at this time and take some action we will regret hereafter. I believe that the little which has already been said to-day will result in a majority of Senators being present to-morrow, and in the future we shall have no great trouble about obtaining a quorum.

I understand there are 56 Senators in the city to-day, which is 7 more than a quorum. I do not want to say where they are. In fact, I do not know that I could say; but if the Sergeant at Arms carries out the order of the Senate, there is no question but that we can get a quorum this afternoon. I recognize Senators are tired. Some present have not been absent a day during this session. Such should have a change and a rest.

I would dislike to have the people of the United States think that the Senate of the United States has had to take drastic means to compel a majority of Senators to be here. I do not think it is necessary, and I hope we are not going to undertake it.

I believe that what has happened here to-day will be sufficient notice to absent Senators that they will be here and attend the sessions in the future.

Mr. SMITH of Georgia. Mr. President, I have no doubt that the power given in the Constitution is clear and that under it

the Senate has the right to compel the attendance and the continued attendance of Senators. I think the rule goes to the same effect. I believe that under this rule it is not really necessary for us first to request attendance, but that that is a matter of discretion with the Senate. We have a general order requesting their attendance, and we have now an order directing the Sergeant at Arms to compel attendance. That is the standing order now of the Senate, and it is the duty of the Sergeant at Arms to locate the Senators and bring them here, if necessary. When he notifies them of the order I have, no doubt they will come. If we find it necessary to-morrow morning not to rescind this order, then I take it for granted Senators may call to the attention of the Senate the necessary absence of certain Senators, and we will promptly excuse those necessarily absent, but if we find it necessary to continue this peremptory order, we can continue it as to those who have not any reason for being away.

Mr. McCUMBER. Mr. President, one of the clerks informs me that my name does not appear upon the responses to the last call. There have been so many calls and they have been so continuous that I may have missed one. Therefore if my name does not appear, I will answer "present."

Mr. STONE. Mr. President, just a moment. I find that October 4 of last year the Senate found itself in somewhat the same predicament that it is in to-day. At that time the junior Senator from North Carolina [Mr. OVERMAN] made a motion in this form:

I move that the Sergeant at Arms be instructed by the Senate to telegraph Senators who are absent from the city that their presence is needed here to do the important business of the Senate; that there is urgent and important business before the Senate and their presence is desired.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will be instructed to telegraph absent Senators to return.

I have it in mind to repeat that motion at this time.

Mr. GALLINGER. Will the Senator excuse me for asking him a question? Was that motion made at a time when there was a quorum present or not? Has the Senator investigated that point?

Mr. STONE. I am so informed, but I have not taken occasion or had the time to go to the Record.

Mr. SMOOT. What was the date? October 4?

Mr. STONE. October 4, at least I think that is the date, for I find in the papers I hold in my hand telegrams sent by the Sergeant at Arms in pursuance of the motion on that date.

I think, Mr. President, there ought not to be very much doubt as to the right of a minority of the Senate—that is, less than a quorum—to take such action as they can take to enforce the presence of a quorum.

Mr. CLARKE of Arkansas. Just at that point, will my friend from Missouri permit me to call his attention to the section of the Constitution which covers that very matter? The minority have no power except as it may be delegated to them by the order of the House, each House acting separately. The Constitution, section 5 of Article I, says:

But a smaller number may adjourn from day to day, and may be authorized—

Not having originally the power to do so—

and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as each House may provide.

The House itself must provide first that the minority may do that before less than a majority can do it. It has been done, however, and the motion that the Senator from Missouri proposes to make is entirely in line with the third subdivision of rule 5.

Mr. STONE. It certainly is not in conflict with it. This is not to compel. The motion made by the Senator from North Carolina [Mr. OVERMAN] was not to "compel" but to "direct" the Sergeant at Arms to request the presence of absent Senators.

Mr. VARDAMAN. Mr. President—

Mr. STONE. If the Senator will pardon me just a moment, I move that the Sergeant at Arms be instructed by the Senate to telegraph or phone Senators who are absent from the city that their presence is needed here to do the important business of the Senate; that there is urgent and important business before the Senate and their presence is desired; and that the Sergeant at Arms report to the Senate such action as he takes under this motion.

Mr. GALLINGER. Mr. President, I make two points of order against the motion. One is that under the rule no business can be transacted in the absence of a quorum. The other is that under the rule the motion must lie over for a day if objected to, and I object to it.

Mr. STONE. What is the second point?

Mr. GALLINGER. That it shall lie over one day under the rule.

Mr. VARDAMAN. Mr. President, will the Senator from Missouri yield for a suggestion?

Mr. STONE. Certainly.

Mr. VARDAMAN. The Senator is aware that a number of Senators probably left the city Saturday or Sunday for the purpose of speaking on yesterday, Labor Day. I am very sure that most of them will be back in the Senate to-morrow morning. In the event they are not here, it would be very well to take the action which the Senator from Missouri proposes. It is manifest to me that Senators are not in a humor to transact any business this evening.

Mr. STONE. I should like to ask my friend from Mississippi if he would consider such a motion as this, which was agreed to some months ago under like circumstances, as too drastic?

Mr. VARDAMAN. Not at all. I think we have a perfect right to make it.

Mr. STONE. It is not a question of right, but I am speaking now of it as a matter of due courtesy to absent Senators. Would there be any lack of courtesy in directing the Sergeant at Arms to inform them of the necessity of their presence?

Mr. VARDAMAN. I think there is nothing wrong in it at all, nothing improper or discourteous.

Mr. STONE. That is all there is to it.

Mr. VARDAMAN. I was just thinking that probably they will be here to-morrow and there is not a voting quorum now, I fear.

Mr. POMERENE. Paragraph 3 of Rule V, it seems to me, is broad enough to cover this situation now. The part to which the Vice President called attention a moment ago reads as follows:

And when necessary to compel the attendance of absent Senators.

That does not mean when the roll is called; it means to be in attendance. It has been disclosed that there is more than a quorum in the city of Washington now and the Sergeant at Arms has the right and the power under the direction of the Senate to compel their attendance. In most parliamentary bodies the doors are closed and members are required to stay until a quorum appears. It may be said that would not be the exercise of a proper courtesy toward Senators who absent themselves from the Chamber, but there is a little courtesy that those who are absent from the Chamber owe those who are here. In my judgment the doors should be closed and Senators compelled to stay here until a quorum is obtained.

Mr. STONE. There may be, and I am inclined to think there is, something in the suggestion made by more than one Senator that the Senate itself when a quorum is present should authorize less than a quorum to compel the attendance of absent Senators. But certainly less than a quorum can take such action as is necessary in the way of requesting the presence of absent Senators.

Mr. GALLINGER. There is no doubt of that.

Mr. STONE. This motion of mine is only to that effect, and unless the point of order made against it by the Senator from New Hampshire is well taken I shall insist upon it.

Mr. SMITH of Georgia. Will the Senator from Missouri yield to me for a moment?

Mr. STONE. Certainly.

Mr. SMITH of Georgia. The rule authorizes a minority to compel the attendance of absent Senators.

Mr. CLARKE of Arkansas. When necessary.

Mr. SMITH of Georgia. When necessary. The Senate has to-day directed the Sergeant at Arms to compel the presence of absent Senators. We have acted upon that. That is the present order of the Senate, which the Sergeant at Arms has undertaken to perform, going much beyond the suggestion of the Senator from Missouri. I understood from the Sergeant at Arms that he at once took steps to telegraph Senators who are away from the city that the Senate had directed him to compel the attendance of absent Senators, and he asked to be advised how soon they could be here. I am confident the step has already been taken and the Sergeant at Arms has acted under the order of the Senate, legally made, to compel the attendance of absent Senators.

Mr. STONE. If that action has been taken, there is no need of taking it again.

Mr. SMITH of Georgia. It has been taken. The Sergeant at Arms, I know, spoke to more than one Senator about the propriety of sending telegrams, and he said more than an hour ago he would send them.

Mr. STONE. On that assurance, I do not care to press the motion I have made.

Mr. GALLINGER. If the Senator will permit me, I think paragraph 3 of Rule V ought to go in the Record to-day in its entirety:

3. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators—

We have done that—

which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. President, that is all I care to say.

The VICE PRESIDENT. The Chair believes that the discussion which has been proceeding has really been upon the point of order raised by the Senator from Arkansas [Mr. CLARKE] as to the instructions which were given by the Chair, directing the Sergeant at Arms to compel the attendance of absent Senators. Not desirous of shirking any responsibility, but stating the plain fact, the order was made when the present occupant of the chair was not in the Senate. Upon a rehearing the Chair is going to make an observation or two about the rules, upon the theory that one person's opinion may be just as good as that of anybody's else if it meets with the approval of the Senate of the United States.

The Chair believes that the clause in the Constitution which authorizes a minority to compel the attendance of absent Members, in such manner and under such penalty as each House may provide, requires some rule of the Senate, in order to compel the attendance of absent Senators. The Chair also believes that clause 3 of Rule V necessitates, first, a request for the attendance of absent Senators before there can be any order entered to compel their attendance, for the rule does not read that "Senators present may direct the Sergeant at Arms to request, or, when necessary, to compel the attendance of the absent Senators," but does read, "may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators."

Therefore it seems to the Chair that the first step in the procedure is to request the attendance of absent Senators, and, if they fail to attend, then it is a question of propriety for the Senate as to whether or not it will exercise its power and compel the attendance of absent Senators.

Now to the concrete case. To the certain knowledge of the Chair three times to-day, upon a roll call, a quorum has been disclosed, and three times, upon a roll call upon the pending motion, a quorum has failed to be disclosed.

There is another rule of the Senate to which, seemingly, no attention is paid. It is:

No Senator shall absent himself from the service of the Senate without leave.

To-day three times a sufficient number of Senators have been within the Senate Chamber to transact the business of the Senate, and three times Senators, without leave of the Senate, have absented themselves from attendance upon the Senate. The Chair thinks, therefore, that it is not a question of power at the present time but is a question of propriety upon the part of the Senate as to whether or not it will now compel the attendance of such Senators as have been within the Senate Chamber this day and have absented themselves without leave of the Senate.

The Chair does not believe that there is going to be any trouble about getting a sufficient number of Senators here from now on to transact the business of the Senate.

Mr. CULBERSON entered the Chamber and answered to his name.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family.

The VICE PRESIDENT. Forty-nine Senators have again answered to the roll call. The pending question is, Shall the conference report on what is known as the trade-commission bill be agreed to? The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As he is absent, I withhold my vote. I will permit this announcement to stand until another one shall supersede it.

Mr. CULBERSON (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. FLETCHER (when his name was called). Announcing my pair and its transfer as before, I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair and its transfer and vote "yea."

Mr. REED (when his name was called). Under the conditions of my pair I am permitted to vote in order to make a

quorum. I am assured that it is necessary now for me to vote for that reason. I therefore vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote. I ask to be recorded as present.

The roll call was concluded.

Mr. CLAPP. I am requested to say that the senior Senator from Kansas [Mr. BRISTOW] is detained from the Senate on account of illness.

Mr. STONE. I announce the same pair and transfer as on the last vote, and vote "yea."

Mr. LEWIS. I am authorized to say in behalf of the Senator from Indiana [Mr. KERN] and the Senator from Oklahoma [Mr. GORE], who are absent, that if they were present they would each vote "yea."

Mr. PITTMAN. The Senator from Delaware [Mr. SAULSBURY] is absent on account of sickness. He is paired with the junior Senator from Rhode Island [Mr. COLT]. If he were here, I am informed that the Senator from Delaware would vote "yea."

The yeas and nays resulted as follows—yeas 43, nays 5:

YEAS—43.

Ashurst	Hughes	Perkins	Smith, Ga.
Bankhead	Kenyon	Pittman	Stone
Brady	Lane	Poinlexter	Swanson
Bryan	Lee, Md.	Pomeroy	Thompson
Chamberlain	Lewis	Ransdell	Thornton
Chilton	Martine, N. J.	Reed	Vardaman
Clapp	Myers	Robinson	Walsh
Crawford	Nelson	Shafer	West
Culbertson	Newlands	Sheppard	White
Fall	Norris	Shields	Williams
Fletcher	O'Gorman	Simmons	

NAYS—5.

Burton	McCumber	Oliver	Smoot
Gallinger			

NOT VOTING—48.

Borah	Goff	Lodge	Smith, Md.
Brandegee	Gore	McLean	Smith, Mich.
Bristow	Gronna	Martin, Va.	Smith, S. C.
Burleigh	Hitchcock	Overman	Stephenson
Camden	Hollis	Owen	Sterling
Catron	James	Page	Sutherland
Clark, Wyo.	Johnson	Penrose	Thomas
Clarke, Ark.	Jones	Root	Tillman
Colt	Kern	Saulsbury	Townsend
Cummins	La Follette	Sherman	Warren
Dillingham	Lea, Tenn.	Shively	Weeks
du Pont	Linnitt	Smith, Ariz.	Works

The VICE PRESIDENT. On the question of agreeing to the conference report, the yeas are 43, the nays 5. The Senator from Colorado [Mr. THOMAS] has asked to be counted as "present," and the Senator from Arkansas [Mr. CLARKE] has announced a pair. A quorum is present, and the conference report is agreed to.

PETITIONS AND MEMORIALS.

Mr. STONE presented petitions of sundry citizens of Osgood, Mo., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Woodland, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Branch No. 269, National Association of Letter Carriers, of Santa Cruz, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Woman's Christian Temperance Union of Colusa, Cal., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE:

A bill (S. 6461) granting a pension to E. R. Westbrook;

A bill (S. 6462) granting an increase of pension to Ellis Smith;

A bill (S. 6463) granting a pension to Mary U. Isenberg;

A bill (S. 6464) granting an increase of pension to Louisa Schenk (with accompanying papers); and

A bill (S. 6465) granting an increase of pension to William H. Howell (with accompanying papers); to the Committee on Pensions.

A bill (S. 6466) for the relief of Lloyd C. Stark; to the Committee on Naval Affairs.

PURCHASE OF COPPER BULLION.

Mr. ASHURST. I introduce a bill authorizing the Secretary of the Treasury to purchase not to exceed 15,000,000 pounds of

copper bullion, and for other purposes, which I ask may be printed in the RECORD and referred to the Committee on Mines and Mining.

The bill (S. 6467) authorizing the Secretary of the Treasury to purchase not to exceed 15,000,000 pounds of copper bullion, and for other purposes, was read twice by its title, referred to the Committee on Mines and Mining, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to purchase for the use of the United States copper bullion to an amount in the aggregate not exceeding 15,000,000 pounds, such purchases to be of the product of smelting works located within the United States, and to be made from time to time in his discretion, but limited to the period of six months from and after the passage of this act: *Provided,* That the price paid for such bullion shall not in any instance exceed the average price of copper bullion in the New York market for the six months beginning with the month of January, 1914, and ending with the month of June, 1914.

NATIONAL MARKETING COMMISSION.

Mr. FLETCHER. I introduce a joint resolution, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 185) for the appointment of a national marketing commission was read twice by its title and referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas it is patent that there are defects in the economic system of the United States which affect adversely the producers and are consumers of agricultural products; and
Whereas recent exigencies brought about by the European war have largely accentuated this adverse condition, and to a degree which justified the recent utterances of the President of the United States in the matter of the high cost of living; and
Whereas the Bureau of Marketing of the United States Department of Agriculture is assembling information and securing statistical facts bearing on this proposition; and
Whereas it is recognized that the organization for the distribution of farm products should begin with the actual producers and not be done through governmental agencies; and
Whereas the present abnormal conditions present an opportunity not only for the temporary solution of this problem but also for the permanent organization of the agricultural forces of the United States: Now, therefore, be it

Resolved, etc., That the President be authorized and requested to appoint a national marketing commission to be composed of 29 members, 15 of whom shall be farmers and 14 of whom shall be selected with reference to their eminence in commerce, law, finance, and transportation.

Resolved further, That such national marketing commission shall meet in the city of Washington at a time designated by the President and organize by the election of officers and adopt a plan of action for the effective organization of the States, counties, and localities of the United States for the economic distribution of the products of the farm, with power to act in so far only as affecting individuals and organizations that shall elect to become a part of this national marketing system.

EXECUTIVE SESSION.

Mr. LEWIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

PRESIDENT'S PEACE PROCLAMATION.

Mr. SHAFROTH. I ask unanimous consent to have printed in the RECORD the peace proclamation issued to-day by the President of the United States.

The VICE PRESIDENT. Without objection, it is so ordered. The proclamation is as follows:

PRESIDENT URGES THE NATION TO UNITE IN PEACE PRAYERS.

President Wilson to-day issued a proclamation calling for a day of prayer, Sunday, October 4, to Almighty God that He overrule the counsel of men and vouchsafe peace to the warring nations of Europe.

The proclamation, written by the President himself, the first and only one of its kind ever issued from the White House, is as follows:

By the President of the United States of America—

A PROCLAMATION.

Whereas great nations of the world have taken up arms against one another and war now draws millions of men into battle whom the counsel of statesmen have not been able to save from the terrible sacrifice; and

Whereas in this as in all things it is our privilege and duty to seek counsel and succor of Almighty God, humbling ourselves before Him, confessing our weakness and our lack of any wisdom equal to these things; and

Whereas it is the especial wish and longing of the people of the United States, in prayer and counsel and all friendliness, to serve the cause of peace: Therefore

I, Woodrow Wilson, President of the United States of America, do designate Sunday, the 4th day of October next, a day of prayer and supplication, and do request all God-

fearing persons to repair on that day to their places of worship, there to unite their petitions to Almighty God that, overruling the counsel of men, setting straight the things they can not govern or alter, taking pity on the nations now in the throes of conflict, in His mercy and goodness showing a way where men can see none, He vouchsafe His children healing peace again and restore once more that concord among men and nations without which there can be neither happiness nor true friendship nor any wholesome fruit of toil or thought in the world; praying also to this end that He forgive us our sins, our ignorance of His holy will, our willfulness and many errors, and lead us in the paths of obedience to places of vision and to thoughts and counsels that purge and make wise.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 8th day of September, A. D. 1914, and of the Independence of the United States of America the One hundred and thirty-ninth.

[SEAL.]

By the President:

WOODROW WILSON.

WILLIAM JENNINGS BRYAN,
Secretary of State.

RECESS.

Mr. SMITH of Georgia. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m., Tuesday, September 8, 1914) the Senate took a recess until to-morrow, September 9, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 8 (legislative day of September 5), 1914.

SECRETARY OF PORTO RICO.

Martin Travieso, jr., of Porto Rico, to be secretary of Porto Rico, vice M. Drew Carrel, resigned.

COMMISSIONER OF THE INTERIOR OF PORTO RICO.

Manuel V. Domenech, of Porto Rico, to be commissioner of the interior of Porto Rico, vice John A. Wilson, term expired.

REAPPOINTMENT IN THE ARMY.

INSPECTOR GENERAL'S DEPARTMENT.

Brig. Gen. Ernest A. Garlington, inspector general, to be inspector general, with the rank of brigadier general, for the period of four years, beginning October 1, 1914, with rank from October 1, 1906. His present appointment will expire September 30, 1914.

PROMOTIONS IN THE NAVY.

Ensign Willis A. Lee, jr., to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Theodore S. Wilkinson, jr., and
Harold S. Burdick.

Chaplain John B. Frazier, with rank of commander, to be a chaplain in the Navy, with rank of captain, from the 30th day of June, 1914, in conformity with an act of Congress approved on that date.

The following-named chaplains, with rank of lieutenant commander, to be chaplains in the Navy, with rank of commander, from the 30th day of June, 1914, in conformity with an act of Congress approved on that date:

George L. Bayard,
Arthur W. Stone,
Matthew C. Gleeson, and
Evan W. Scott.

The following-named ensigns to be assistant civil engineers in the Navy from the 21st day of August, 1914:

Henry F. Bruns and
Bert M. Snyder.

SURVEYOR GENERAL OF NEVADA.

John B. O'Sullivan, of Reno, Nev., to be surveyor general of Nevada, vice Matthew Kyle, resigned.

RECEIVER OF PUBLIC MONEYS.

John J. Missemmer, of Limon, Colo., to be receiver of public moneys at Hugo, Colo., vice John P. Dickinson, resigned.

REGISTER OF THE LAND OFFICE.

John R. Beavers, of Clifford, Colo., to be register of the land office at Hugo, Colo., vice Peter O. Hedlund, resigned.

POSTMASTER.

ILLINOIS.

William F. Hogan to be postmaster at Dixon, Ill., in place of William L. Frye. Incumbent's commission expired December 20, 1913.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 8 (legislative day of September 5), 1914.

UNITED STATES ATTORNEY.

Charles F. Clyne to be United States attorney for the northern district of Illinois.

APPOINTMENTS IN THE PUBLIC HEALTH SERVICE.

ASSISTANT SURGEONS.

Thomas E. Hughes.
Carl Michel.
Robert L. Allen.
William C. Witte.
Marion S. Lombard.
William F. Tanner.
James F. Worley.
Ora H. Cox.

POSTMASTER.

MISSOURI.

Frederick Blattner, Wellsville.

REJECTION.

Executive nomination rejected by the Senate September 8 (legislative day of September 5), 1914.

POSTMASTER.

Dirk E. Seligman to be postmaster at Las Cruces, N. Mex.

HOUSE OF REPRESENTATIVES.

TUESDAY, September 8, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great spirit, Father of all souls, the inspiration of every noble impulse, of every high and holy aspiration, cleanse us from everything that would place a barrier twixt us and Thee and increase our faith and confidence. "What we have seen teaches us to trust Thee for what we have not seen." Thou hast never forsaken us; may we never forsake Thee in thought, word, or deed, but with renewed confidence ever seek the higher, nobler life, that our minds may grow, our souls expand to the larger light and life which waits on the faithful. In the name of Him who taught the most sublime truths, lived the most sublime life, and died that we might thus live and attain. Amen.

The Journal of the proceedings of Saturday, September 5, 1914, was read and approved.

LETTER OF THE PRESIDENT TO MR. DOREMUS.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extent my remarks in the RECORD by printing the letter of the President of the United States to Mr. DOREMUS, the chairman of the Democratic congressional campaign committee.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD the letter of the President to Mr. DOREMUS, the chairman of the Democratic congressional campaign committee. Is there objection?

There was no objection.

Mr. BAILEY. Mr. Speaker, this request has been made for the purpose of giving a wider circulation to a most remarkable deliverance from President Wilson—a deliverance which I feel sure has appealed to every Member of this House, no matter of what party, and to every American citizen, whatever his political affiliation or bias. The religion of "staying on the job" is one which has found too little observance. It has been held in too little respect. In far too many instances it has been wholly neglected and treated with scorn and derision.

But, happily, the man now in the White House not merely professes this religion, he practices it. He himself "stays on the job." While others may seek the comforts and the diversions of mountain or sea; while others may shut up shop and go fishing; while others may run from the blistering pavements of the Capital City to disport themselves in the surf or to recuperate in northern wilds, it has been left for Woodrow Wilson to set the country a fine example in clinging to his desk and to

the discharge of those perplexing and burdensome duties which his great office imposes. Perhaps no other President has ever so sedulously held to the work in hand—certainly no other has remained more steadfastly at his post. And in this he has undoubtedly given the country an example of industry, patience, and self-sacrifice which can not be too highly commended nor too deeply appreciated. Instead of shirking and consulting his own personal comfort and convenience, he has toiled on, month after month, without a murmur, without respite, without sign of impatience. And now as a campaign in which he is vitally interested as the leader of a great party intrusted with power approaches the crucial stage he writes a letter to another party leader for the purpose of making it known that in that campaign he will take no speaking part, that instead he will "stay on the job," so that in the strange condition in which the world now finds itself as a result of a monstrous and widespread war his constant guidance may be given in the affairs of the country, both foreign and domestic.

Following is the President's letter to Chairman DOREMUS, of the Democratic congressional campaign committee:

WHITE HOUSE, September 4, 1914.

MY DEAR MR. DOREMUS: I have read your letter of September 1 with a keen appreciation of its importance. It appeals to me as the leader of the party now in power with peculiar force and persuasiveness. The close of a very extraordinary session of Congress is at hand, which has, I venture to say, been more fruitful in important legislation of permanent usefulness to the country than any session of Congress within the memory of the active public men of our generation. A great constructive program has been carried through for which the country has long waited, and has been carried through with the approval and support of judicious men of all parties, and we have abundant reason to congratulate ourselves upon the record that has been made during the busy 17 months we have devoted to our great legislative task.

APPEAL FULLY WARRANTED.

Certainly in ordinary circumstances, if we were free to disengage ourselves for the purpose, we would be warranted in now directing our energies to a great campaign in support of an appeal to the country to give us the encouragement of its indorsement at the autumn elections.

We could go to the country with a very sincere appeal in which there need be no pretense or boast of any kind, but a plain statement of things actually accomplished which ought to be, and I think would be, entirely convincing. It is a record which shows us at peace with all the world; the questions which plagued business with doubt and uncertainty and irresponsible criticism out of the way, thoughtfully settled and disposed of, the apparent antagonism between government and business cleared away and brought to an end with the plain reckoning accomplished, the path for sure-footed adjustment clear ahead of us, prosperity certain to come by means which all can approve and applaud.

OTHER GREAT PLANS AHEAD.

Moreover there is a program of another kind ahead of us to which it is inspiring to look forward—a program free from debate except as to the best means by which to accomplish what all desire.

The great questions immediately ahead of us are the building up of our merchant marine with all that that means in the development and diversification of our foreign commerce and the systematic conservation and economic use of our national resources, subjects much talked about but little acted upon. Here are other great pieces of constructive legislation waiting to be done to which we could turn without any controversy except, as I have said, as to the best ways of doing them.

I believe that ways can be found to do these things readily enough if the country will give us its generous support and trust us to do them, and it would have been a genuine pleasure to me to ask to be given again colleagues such as I have had in the two Houses of Congress during the present memorable session.

I trust that there will be many occasions upon which I may have the privilege of calling the attention of my fellow countrymen to the fine and unselfish service which has been rendered them by their present representatives, ready at all times to respond to any appeal which spoke convincingly of the public welfare.

TIME TO "STAY ON JOB."

But in view of the unlooked-for international situation our duty has taken on an unexpected aspect. Every patriotic man ought now to "stay on his job" until the crisis is passed, and ought to stay where his job can best be done. We must do whatever is necessary and forego whatever is not necessary to keep us in close and active concert in order to relieve in every possible way the stress and strain put upon our people during the continuance of the present extraordinary conditions.

My job, I now know, can be done best only if I devote my whole thought and attention to it and think of nothing but the duties of the hour. I am not at liberty and shall not be, so far as I can see, to turn away from these duties to undertake any kind of political canvass.

HE MUST KEEP AT WORK.

In the present emergency I am keenly aware of the twofold responsibility I am called upon to discharge: the responsibility which devolves upon me as President of the United States and the responsibility under which I am laid as leader of a great political party.

Of course the whole country will expect of me and my own conscience will exact of me that I think first of my duties as President, responsible for exercising so far as I have the ability, constant guidance in the affairs of the country, both domestic and foreign.

MUCH DEPENDS ON PRESIDENT.

The labors of Congress have a natural and customary limit; the work of the Houses can be and will be finished; Congress can adjourn. But the President can not, especially in times like these, turn away from his official work even for a little while. Too much depends upon his keeping all the threads of what is occurring in his hands.

I have therefore reached the conclusion that I can not in any ordinary sense take an active part in the approaching campaign; that I must remain here to attend to the serious work sure to fill the months immediately before us—months that will carry with them obligations, no doubt, of the most tremendous sort. I know that you will feel similarly about your own obligations, will feel that they must remain

to do their work of necessary and pressing service, and bring it to a successful conclusion.

SHALL LET PUBLIC KNOW.

I shall no doubt take occasion as opportunity offers to state, and perhaps restate, to the country in the clearest and most convincing terms I can command the things which the Democratic Party has attempted to do in the settlement of great questions which have for many a long year pressed for solution, and I earnestly hope they will generously open their minds to what I may have to say, but I shall not allow my eagerness to win their approval or my earnest desire to be granted by their suffrages the support of another Congress, to interfere with the daily performance of my official duties or distract my mind from them.

The record men make speaks for itself. The country can not be deceived concerning it, and will assess it justly. What it chiefly expects and demands and what it will certainly be most surely won by is the performance of duty without fear or favor and without regard to personal consequences.

COUNTRY GREATER THAN PARTIES.

And certainly this is a time when America expects every man to do his duty without thought of profit or advantage to himself. America is greater than any party. America can not properly be served by any man who for a moment measures his interest against her advantage. The time has come for great things. These are days big with destiny for the United States, as for other nations of the world. A little wisdom, a little courage, a little self-forgetful devotion may under God turn that destiny this way or that. Great hearts, great natures, will respond. Even little men will rejoice to be stimulated and guided and set an heroic example. Parties will fare well enough without nursing if the men who make them up and the men who lead them forget themselves to serve a cause and set a great people forward on the path of liberty and peace.

Cordially and sincerely yours.

WOODROW WILSON.

In this connection it seems not improper for me to say that it has been my privilege and my pleasure to "stay on the job" practically without intermission since the opening of the present session. While others were away attending to their primaries it was an agreeable duty to remain on the firing line here to do my small part in keeping the legislative wheels revolving. It had been my hope that in turn the Members who had been away would take their spell at the crank, giving me a chance to get back among my people to give some account of my stewardship. But recent developments have about dispelled that hope. Perhaps in no better way can I set forth the position in which I find myself and the view I have taken of it than in reproducing in this connection a newspaper article which was printed in my home paper, the Johnstown Democrat, under date of August 7. It follows:

CONDUCTS HIS CAMPAIGN BY REMAINING ON JOB—MEMBER FROM NINETEENTH DISTRICT SAYS PUBLIC BUSINESS DEMANDS ATTENDANCE OF NATION'S CONGRESSMEN—INTENDS STAYING IN WASHINGTON AS LONG AS HE IS NEEDED THERE.

WASHINGTON, August 7.

Representative BAILEY, of Johnstown, has about given up hope of being able to do any campaigning for reelection. He is altogether pessimistic about adjournment, believing that the Senate will make no greater haste in disposing of President Wilson's antitrust program than it did in adopting currency legislation last year.

"Of course it places me in a pretty bad fix," admitted the Member for the nineteenth to-day. "I am at a genuine disadvantage, for while the opposition is free to work and plan and possibly to misrepresent, traversing the district and personally interviewing the people, my duties confine me here at the Capitol. Yes, it would be easy to slip away for a day or two or a week, as some others have done or are doing. But that sort of thing doesn't exactly appeal to me. There is work to be done here and it is my business to do my share of it. Last year, when the House was marking time while the Senate was dawdling over the tariff and currency, I felt free to spend some time at home. But the situation is vastly different now. The House is as busy as a beaver. It has a lot of important matters before it. And, besides, the trouble abroad has created a situation so grave in its possibilities that administration leaders have warned all Members against the fault of absenteeism. Under all the circumstances, but chiefly because I feel that I ought to be here attending to the public business rather than back home looking after my personal political fortunes, my mind has been made up to let my personal political fortunes slide for the present.

"You may be right," he admitted to the interviewer, "when you say that self-preservation in politics is as much a law of nature as in other things, but are you sure that this law is being disregarded by me in sticking here on the job rather than rushing back into the district to do electioneering? As well as I can make out, the people did not employ me to chase around the district in my own selfish interest. They employed me to sit here in the House and vote according to my light on great and small matters affecting their welfare and involving their pocketbooks. If they vote against me merely because I am unable to whirl around over the district it would indicate an attitude of mind which would be somewhat surprising.

"To be perfectly frank," Mr. Bailey continued, "let it be said that it appears to me of more importance just now that I should be here to work and vote for the fulfillment of Democratic promises and the redemption of President Wilson's pledges than that I should be out beating up the brush for support in November. I am willing to let November take care of itself. If the voters of the nineteenth think I have been making good here at the Capitol, they will not permit me to suffer because I have chosen to stick to my knitting. If they think I haven't made good, all the campaigning I could possibly do would not save me. That seems to me the common-sense view.

"The whole thing," he went on, "appears to resolve itself into this: Do the people of the nineteenth want to back up the Wilson administration and do their part to insure during the next two years a continuance of the splendid successes which have attended it thus far? If they do, they will not send a man down here to sit in Congress to fight President Wilson, to condemn his policies, to block his program, and to thwart his efforts to complete the work in hand. This is the whole issue in a nutshell. My record will show that from first to last I have stood loyally by the President, supporting him at all times, voting in

every instance to sustain his constructive efforts and to give his policies free swing; in all emergencies rendering him such aid as lay in my humble power. There has been nothing servile in this. It has been no slavish devotion. The President has been followed joyously and with genuine enthusiasm because, in my judgment, he has held to a true course, has gone in the direction the people as a whole wished him to go, and has had in view a goal the reaching of which would mark a new epoch in human progress.

"Well, if the people of the nineteenth are satisfied with the President, if they approve his warfare on the trusts, if they sympathize with his successful efforts to keep the country out of a cruel and bloody war, if they wish to fortify him against those who would hamstring him if they could and undo what he has done, then they will see the importance of doing their part in having a Congress here at Washington actuated by friendship and sympathy rather than by enmity and hostile sentiment. Unless I sadly misjudge the people of the nineteenth, they will not turn me down merely because I am here at the post of duty and doing my very best to hold up the hands of President Wilson in his magnificent fight against plutocracy and privilege. It seems to me that they are too wise, too just, and too discriminating to make themselves responsible for returning a man from the nineteenth to the Sixty-fourth Congress who would spend the coming two years in doing his best to tie the President's hands and to undo all the President has accomplished by the aid of a sympathetic Congress."

Mr. Speaker, I was "on the job" when many others were away; I am still "on the job," now that the truants have returned; and it is my intention to "stay on the job" till the finish, believing that in doing so, even at the sacrifice of my personal interests, I am doing no more than my obligations demand. And, really, I have felt this to be no hardship. It has always been my way, whether when working for others or working for myself, to stick to the job until it was done. I have never been satisfied to leave a thing, once undertaken, until it was completed; and so I find myself in complete harmony with President Wilson in the attitude he has assumed regarding his duty.

I must remain here—

He says—

to attend to the serious work sure to fill the months immediately before us—months that will carry with them obligations, no doubt, of the most tremendous sort.

That the body of which I have the great honor to be a humble Member will feel a like obligation resting upon it, and that it, too, will "stay on the job," there can be no question. Its Members do not forget what they owe in service to their constituents and to the country. They feel as deeply as the President that "they must remain to do their work of necessary and pressing service" and to "bring it to a successful conclusion." No satisfaction has ever been greater to me than that of feeling that in some small way I have shared in the great and successful work already performed and that I am to be permitted, God willing, to "stay on the job" until it shall have been brought to that "successful conclusion" to which President Wilson so confidently looks forward.

JESSE T. BRADY.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 335, to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914, and consider the same at this time.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on Invalid Pensions from further consideration of House joint resolution 335 and consider the same at this time. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the resolution.

The Clerk read as follows:

Whereas by clerical error in H. R. 12914, approved July 21, 1914, the given name of the soldier was changed from Jasper to Joseph: Therefore be it

Resolved, etc., That the paragraph in H. R. 12914, approved July 21, 1914 (Private, No. 86, 63d Cong.), granting a pension to one Jesse T. Brady, helpless child of Joseph Brady, be corrected and amended so as to read as follows:

"The name of Jesse Brady, helpless and dependent child of Jasper Brady, late of Company K, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

Mr. MANN. Mr. Speaker, I notice the resolution recites that whereas by a clerical error the name was changed to read so and so. I think it is proper to state that while one might assume from that that the bill was erroneously engrossed or enrolled, that is not the case. The engrossing and enrolling clerks of the House engrossed and enrolled that bill exactly as it was considered in and passed by the House. There was no error in changing the name after the bill was introduced. The error occurred before the bill was introduced.

Mr. FOSTER. Mr. Speaker, I notice in this resolution that the name is not correct. I should be Jesse T. Brady instead of Jesse Braddy, and I desire to amend by having the initial "T" inserted at the proper place, and I offer that amendment.

The SPEAKER. We have not yet come to that phase of the consideration of the resolution. Is there objection to the con-

sideration of the resolution? [After a pause.] The Chair hears none. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 3, after the word "Jesse," insert the initial letter "T."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 42.

Resolved by the House of Representatives (the Senate concurring). That there shall be printed as a House document 1,100 copies of the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic, for the year 1914, not to exceed \$1,600 in cost.

REPRESENTATION OF FOREIGN GOVERNMENTS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report herewith House joint resolution 337, to provide for representation of foreign Governments growing out of the existing hostilities in Europe and elsewhere, and for other purposes, and I ask unanimous consent for its present consideration in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New York reports a House joint resolution and asks unanimous consent for its present consideration in the House as in the Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, let us have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 337 (H. Rept. 1148).

Resolved, etc., That to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere, by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be available during the fiscal year 1915, and to be disbursed under the direction and in the discretion of the Secretary of State: *Provided*, That payments made by foreign Governments or their citizens or subjects shall be credited to this appropriation and be available for the purpose herein specified: *Provided further*, That all sums received by the United States in final reimbursement of amounts paid by it out of the \$1,000,000 herein appropriated shall be paid into the Treasury of the United States as "miscellaneous receipts."

The Secretary of State shall submit to Congress at the next session, or as soon thereafter as may be practicable, a report of the amount repaid to the United States, with such further information upon the subject as may be, in his judgment, consistent with the public interest.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, this resolution grows out of the peculiar and extraordinary situation existing at the present time. The war in Europe has made practically impossible the transfer of funds by the ordinary means of business. Appeals have been made to the Department of State on behalf of some of the foreign embassies in this country for an advance or transfer of funds in order to enable them to take care of their ordinary needs and necessities here. Other applications have been made on the part of belligerent or neutral nations that this Government advance to the nationals of such belligerent or neutral nations moneys which those Governments are willing to deposit but can not transmit to their nationals because of the conditions in the war zone. The United States has become practically a great international exchange for the Governments of the world and their nationals in the war zone in Europe. There is neither authority in the State Department to act on many of these requests nor money available for such purpose. This money is to be advanced to the department and repaid, either by advance payments or repayments, by the Governments at whose request the money shall be disbursed. The committee were unanimously of opinion that it was highly important that the Department of State should be in a position where requests of the character now being made could be honored.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. BURNETT. Would that be intended to take care of the nationals of the belligerents who are stranded at those places where our embassies or ministers are stationed?

Mr. FITZGERALD. If one of the belligerent nations or a neutral nation should request this Nation to make payments to their nationals at some place upon the sum being deposited with the representative of this Government, either here or in the capital of the nation making a request, this resolution would enable our Government to make payment on behalf of the nation requesting it.

Mr. BURNETT. And the nation requesting it would be liable to our Government for repayment?

Mr. FITZGERALD. Oh, yes. The deposit would be made in advance.

Mr. BURNETT. This does not make us take care of stranded individuals who are from these belligerents' countries?

Mr. FITZGERALD. No; this will not enable nor is it intended that our Government shall be put to any expense in taking care of nationals of other countries who are in distress in the war zone. It is merely to enable our Government to act as the agent of other nations in making payments that could not be made unless our Government offered its good offices in the transaction.

Mr. BURNETT. Then it is expected that this fund will be refunded to our Government, and we will really be out nothing ourselves?

Mr. FITZGERALD. That is the purpose of the resolution.

Mr. MANN. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. What does the term "their nationals" mean?

Mr. FITZGERALD. That is expressly used to designate either citizens or subjects, and it is a term used in diplomatic correspondence in referring to citizens or subjects of other nations.

Mr. MANN. What is the distinction between "their nationals" and their "citizens or subjects"?

Mr. FITZGERALD. There is none.

Mr. MANN. I notice in one place the language used is "their nationals" and in other places the words "citizens or subjects."

Mr. FITZGERALD. It is just a choice of terms. Some might prefer one and others might prefer the other, and the committee used both to satisfy everybody.

Mr. MANN. The bill provides for giving assistance to their nationals and then provides for the return of the money by their citizens or subjects. If it means the same thing, why should not the same term be used?

Mr. FITZGERALD. I think I can explain that to the gentleman. The resolution as at first drawn covered only the belligerent nations. Afterwards it was pointed out that perhaps it was not sufficiently broad to take care of the nationals of neutral nations that were making requests of a character similar to those being made by the belligerent nations, and the words "their nationals" were inserted for that reason.

Mr. MANN. Of course, if the two terms were used inadvertently and mean the same thing, it is all right; but I wanted to know what the distinction was.

Mr. FITZGERALD. They were used inadvertently, but the intention was to express the same idea.

Mr. MANN. May I ask the gentleman further?

Mr. FITZGERALD. Yes.

Mr. MANN. I notice the money that is to be reimbursed by the foreign Governments is to be a continuing appropriation for the balance of the year and covered by the fund, except that the final reimbursement shall be paid into the Treasury as miscellaneous receipts. How can they determine what the final reimbursement is?

Mr. FITZGERALD. The purpose was to make it a revolving appropriation during the current fiscal year. If, for instance, at the request of a foreign Government the sum of \$50,000 was advanced and deposits made to cover that amount that would still be available if it were made during the fiscal year and at the end of the fiscal year it would be construed as a final payment. The purpose sought to be accomplished was to make the fund available during the fiscal year. If necessity existed to continue it beyond the year, opportunity would exist during the next session to do so, and instead of requiring a number of resolutions appropriating different sums as long as the moneys were merely advanced or transferred, it was thought desirable to let the appropriation be a revolving one during that period.

Mr. MANN. Will the gentleman yield further?

Mr. FITZGERALD. Certainly.

Mr. MANN. Can the money in this appropriation be used by our representatives abroad for the expenses of the Diplomatic Corps made by reason of their taking care of foreign interests?

Mr. FITZGERALD. It is not intended that it shall be, unless a foreign Government shall deposit money to cover the expense

of taking care of their embassies. It would then be in this fund, and any expense incurred by our Government which will not be taken care of in addition will be paid for out of former appropriations, which specifically refer to that subject.

Mr. MANN. The money which we have already appropriated—two and three-quarter million dollars—I take it that can be used to employ additional help at our embassies abroad.

Mr. FITZGERALD. Yes; it was specifically provided it should be available for that purpose.

Mr. MANN. Does the gentleman know how much up to date has been used of the two and three-quarter million dollars?

Mr. FITZGERALD. No; I have no information as to how much has been used. The statement is made that the expense of the work is very much greater than anybody contemplated. It is believed that cable tolls alone will reach a half a million dollars. The Department of State prepared a statement and inserted it in the hearings, showing what has been done up to the present time under the authority heretofore conferred by Congress and under the appropriation of \$2,750,000.

Inquiries affecting more than 30,000 American citizens have been received by the Department of State. Neither the department nor the Diplomatic Service was organized nor prepared for such a tremendous volume of business as was precipitated upon it because of the situation in Europe. The department has been selecting and organizing a force and working the very best possible under very adverse circumstances. It was stated by the Secretary of State that the volume of the work devolved upon the department under ordinary conditions would have been most difficult to handle, but with the interruption of the cable and telegraphic service and the other conditions arising out of the war it became almost impossible to handle the matters submitted to the department. The best has been done under the circumstances and as speedily as possible, relief has been extended to American citizens, and information furnished to those making inquiries.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. TOWNSEND. Following the suggestion of the gentleman from Illinois [Mr. MANN], is not this a fact: That the circumstances which seem to make this extraordinary appropriation necessary will cease, in all probability, before the end of this fiscal year, because the nationals of the various belligerents and even nonbelligerent nations whom it is desired to remove will probably be removed through the process of this revolving appropriation that is spoken of within a few months?

Mr. MANN. Will the gentleman from New Jersey yield?

Mr. TOWNSEND. Yes; if it is in my power to yield.

Mr. MANN. As I understand, the necessity of this legislation grows largely out of the difficulties of obtaining exchange and of sending money from one country to another. Does the gentleman think that all of the difficulties of exchange will have ended during this fiscal year?

Mr. TOWNSEND. If the gentleman from New York [Mr. FITZGERALD] will permit, I do not think the difficulty of obtaining exchange will end, but I think that the necessities which this bill seeks to relieve will have ended by that time.

If I may be permitted to answer the suggestion a little more fully, suppose a case: There may be nationals of Germany today in Japan. We have an ambassador there who would be able, upon information received from the Secretary of State to the effect that the German ambassador here had deposited money for their relief, to care for them. It is just possible that there may be attachés of the German legation still there. In that case our ambassador there would be able to transfer the stated sums to those German nationals in Japan, and that process is not going to take very long.

Mr. MANN. Well, if the gentleman will yield, that can be done now. As I understand the purpose of this, it is to permit, under the circumstances now, our ambassador in Japan to advance money before any money has been deposited with the Department of State here.

Mr. TOWNSEND. Yes; even in such a case. But, of course, we have greater facilities at this time, in such an instance, than Germany would have in such a case.

Mr. MANN. I think it is perfectly proper that we should do that.

Mr. FITZGERALD. Mr. Speaker, a statement has just been handed to me by a Member on this side, who states that he was informed yesterday at the State Department that in the efforts to relieve American citizens abroad one of our ambassadors had personally advanced \$250,000 to American citizens, and another one had advanced \$200,000, while the work of getting matters adjusted was pending.

Mr. MANN. If that is the case, that is the first instance, as I recall, where it shows the value of having campaign contributors appointed as ambassadors.

Mr. FITZGERALD. It might be pertinent to suggest that it is more desirable to have ambassadors who would be willing to use their personal funds for the relief of American citizens in distress in foreign countries rather than transmit them here for the benefit of the political party that put them in power. [Applause on the Democratic side.]

Mr. MANN. I judge the present ambassadors are doing both.

Mr. FITZGERALD. I hope they are.

Mr. MANN. Otherwise they would not be ambassadors.

Mr. KINKEAD of New Jersey. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from New Jersey?

Mr. FITZGERALD. Yes; I yield to the gentleman from New Jersey.

Mr. KINKEAD of New Jersey. Mr. Speaker, this bill was considered carefully by the committee this morning, and in addition to what the chairman says, relative to the enormous work that has been transacted by the State Department. I would like to call the attention of the House to the fact that more than \$2,000,000 which was left by relatives and friends of Americans abroad with the State Department has been cabled for use in the war zone.

Thirty thousand applications were made to the State Department to find the whereabouts of our Americans traveling on the other side. Of this number, between 450 and 500 came from the county that I have the honor to represent. I am pleased to say to the membership of the House that of this number over 400 have been located. Over 200 of those were school-teachers who were enjoying their vacation in Italy, parts of France, and in Switzerland. The president of the School Teachers' Association of New Jersey, Miss Elizabeth K. Allen, immediately upon her return last week from Italy—she returned on Thursday, on the *San Giovanni*, from Naples—thanked the Members of Congress from Hudson County and the State Department for the very efficient good service that was rendered to her and her fellow teachers on the other side.

This betokens the character of the consuls and the ambassadors that are representing us abroad, and it indicates that the State Department is doing everything that is possible for it to do in order to aid our Americans on the other side. Of the 30,000 to whom cablegrams have been sent, a large proportion have been heard from. I do not think the proportion maintains elsewhere as it did in Hudson County, but I am sure that every effort will continue to be made by the State Department in order to secure information and to place funds at the disposal of traveling Americans, so that they can shortly return to their homes.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Massachusetts [Mr. GILLET] wants five minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLET] is recognized for five minutes.

Mr. GILLET. Mr. Speaker, I think this resolution will not ultimately cost us anything; I think it will be helpful and useful and that it will increase the influence and prestige of this Government abroad. So in committee I voted for it and am glad to support it now. And I think it may be appropriate to say in this connection—in which I am confident that I voice the feeling of the minority of the committee as well, I presume, as the minority of this House—that in such matters I shall not allow any party antagonism to affect my conduct. [Applause.] It is now almost 2,000 years since Cicero uttered his famous epigram, "Inter arma silent leges"; and if the din of arms silences the laws, it ought much more to silence partisanship. In all matters which affect the terrible conflict which is now waging, I shall endeavor to manifest toward this administration the same friendly and helpful disposition which I would manifest if it were an administration of my own party and if my opinions were ever consulted. [Applause.] And I shall endeavor to suppress any tendency to criticize or to suspect.

Now, I do not mean by that that if you should attempt to claim that conditions were due to the war which I think were due to your own conduct, or if you should undertake to affect the war conditions by legislation which I thought was wrong and harmful, I should not sharply express my dissent, but I do mean that I shall intend, in all matters affecting these belligerents, to cultivate toward this administration a genuine friendliness and loyalty, and my constant effort will be not to find fault but to find merits and excuses. This resolution which is before us gives to the President and to the Secretary of State large discretion. I am confident that discretion will be exercised honestly

and prudently: I have no desire to abridge it, and I hope the resolution will be unanimously adopted. [Applause.]

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EVANS, for one week, on account of the death of a member of his family.

To Mr. ELDER, indefinitely, on account of illness in his family.

To Mr. BEALL of Texas, for two weeks, on account of illness.

To Mr. FINLEY, for 10 days, on account of illness.

LEAVE TO EXTEND REMARKS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter from the President of the United States to the coal miners and coal operators in Colorado.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] asks unanimous consent to extend his remarks by printing a letter from the President to the coal miners and operators of Colorado. Is there objection?

There was no objection.

SCHOOL LANDS IN NATIONAL FORESTS, OREGON.

The SPEAKER. Under the special order adopted the other day this is unanimous-consent day. The Clerk will report the first bill on the Unanimous Consent Calendar.

The first business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that that bill be passed without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

KLAMATH INDIAN RESERVATION LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10348) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., 52-53).

The bill was read, as follows:

Be it enacted, etc., That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read:

"Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands, and for the construction of roads, trails, and other improvements, and for other purposes, for their benefit."

With the following committee amendment:

Page 2, line 9, after the word "improvements," strike out the words "and for other purposes."

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I have an amendment.

The SPEAKER. We have not got that far yet. Is there objection?

Mr. MANN. Reserving the right to object, what is the amendment?

Mr. STEPHENS of Texas. The bill provides that the proceeds arising from the sale of the lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands; and the amendment provides that not to exceed \$10,000 of the sum may be expended for the construction of roads, trails, and bridges on said reservation for their benefit, and provided further that the counties of Del Norte and Humboldt in the State of California shall at their expense lay out and survey said roads and trails and estimate the cost of completing the same, together with all necessary bridges thereon.

Mr. MANN. Where is the amendment to come in? What is the form of the amendment?

Mr. STEPHENS of Texas. It amends the last provision of the bill.

Mr. MANN. It is to be amended so as to read "Provided further," and so forth?

Mr. STEPHENS of Texas. Yes.

Mr. MANN. And then, how does it read?

Mr. STEPHENS of Texas. The amendment reads:

Page 2, at the end of line 3, strike out the proviso and add in lieu thereof the following:

"Provided further, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands; and not to exceed \$10,000 of the sum may be expended for the construction of roads, trails, and bridges on said reservation for their benefit: *Provided further*, That the counties of Del Norte and Humboldt in the State of California shall at their expense lay out and survey said roads and trails, and estimate the cost of completing the same, together with all necessary bridges thereon, and said surveys and estimates shall also be approved by the Secretary of the Interior before said appropriations shall be available."

I have also a letter from the Assistant Commissioner of Indian Affairs.

Mr. MANN. The amendment proposes to make \$10,000 only of the proceeds available for the construction of roads, trails, and other improvements, and then provides that those two counties shall bear certain preliminary expenses?

Mr. STEPHENS of Texas. That is correct. There is \$25,000 belonging to this fund, and this proposes to use only \$10,000 for this purpose.

Mr. MANN. Will the gentleman send up the amendment and have it read for information?

Mr. STEPHENS of Texas. I will send it up and have it read for information.

Mr. MANN. I see I have not all the papers here, but my recollection is that the agent suggested the expenditure of only \$8,000 when he made his report. Let the amendment be read for information.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, at the end of line 3, strike out the proviso and add in lieu thereof the following:

"Provided further, That the proceeds arising from the sale of said lands shall constitute a fund, to be used under the direction of the Secretary of the Interior, for the maintenance and education of the Indians and their children now residing on said lands, and not to exceed \$10,000 of the sum may be expended for the construction of roads, trails, and bridges on said reservation for their benefit: *Provided further*, That the counties of Del Norte and Humboldt in the State of California shall at their expense lay out and survey said roads and trails and estimate the cost of completing the same, together with all necessary bridges thereon, and said surveys and estimates shall also be approved by the Secretary of the Interior before said appropriations shall be available."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the committee amendment.

Mr. MANN. The gentleman from Texas [Mr. STEPHENS] has offered an amendment to strike out the proviso, including the committee amendment.

Mr. STEPHENS of Texas. The committee amendment is to the provision which is proposed to be stricken out, and it is not necessary to adopt the committee amendment.

Mr. MANN. The question is on the amendment offered by the gentleman from Texas.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

WAR.

Mr. BUCHANAN of Illinois. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUCHANAN of Illinois. I rise to ask unanimous consent to extend my remarks in the Record on the question of war. In the way of explanation, for fear that some Members may misunderstand my request, I wish to insert a resolution passed by the Danish citizens of Chicago in order to exercise their influence to prevent war. It does not take sides or in any way criticize the contending parties.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of war by printing a set of resolutions passed by the Danish citizens of Chicago. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, will the gentleman tell us what it is he desires to extend in the RECORD? I did not hear him.

Mr. BUCHANAN of Illinois. This resolution, as I remember it—I have not it before me—is a resolution deploring the fact that war exists, hoping that the Danish people will not become involved, and expressing a desire to have something done to settle the present war and bring about a condition where there will be no more war. It does not in any way criticize the contending parties and takes no sides of any sort. There is not a word in it that could be considered as offending anyone.

Mr. MOORE. I think the gentleman from Illinois will concede that there are thousands of societies deploring the war, and hundreds of thousands of citizens also. Does the gentleman think it would be wise to begin the publication of these opinions now?

Mr. BUCHANAN of Illinois. I think it would be wise for citizens of this country and elsewhere to express themselves against war, to exercise their influence with the great powers for peace, and to bring about a settlement of this war in Europe, and also to bring about a condition where it would be impossible for such a war to again develop. Whether or not the insertion of this resolution in the RECORD is going to have a tendency in that direction I am not prepared to say. There is no question in my mind but that if all the people should deplore this terrible war and exercise their influence to have something done to stop the terrible destruction that is going on in European countries at the present time it would be for the betterment of humanity.

Mr. MOORE. Mr. Speaker, in the interest of peace in the United States and to prevent the publication in the RECORD of divergent views that might impair it, I object.

The SPEAKER. The gentleman from Pennsylvania objects, and the Clerk will read the next bill.

PRESERVATION OF CERTAIN MINERAL SPRINGS IN NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, situated in the county of Sierra, State of New Mexico, be hereby set apart from the public domain and reserved from entry, location, or sale for the purpose of preserving for the use of the public the valuable mineral springs located upon said lots.

Sec. 2. That the Secretary of the Interior be, and he is hereby, authorized to control the use of said lots and the waters thereon, and to make regulations for the government of the reservation, and to make such contracts, agreements, and leases as will best preserve them for the use of the public; and all moneys received from such contracts, agreements, and leases by way of remuneration, or from any other source in connection with this reservation, shall be covered into the Treasury of the United States as a special fund to be disbursed by the Secretary of the Interior for the protection, maintenance, and improvement of said reservation.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, my recollection is that the gentleman from Wyoming [Mr. MONDELL] had some objections to this bill. I see that he is temporarily absent from the Chamber.

Mr. FERGUSON. He has just this moment entered the Chamber.

Mr. MONDELL. Mr. Speaker—

Mr. FERGUSON. Before the gentleman from Wyoming speaks, I will say that I am willing to accept an amendment striking out the provision that the moneys shall be covered into the Treasury of the United States as a special fund to be disbursed by the Secretary of the Interior, and so forth, and to leave it so that the fund shall be turned into the General Treasury.

Mr. MANN. That would be an amendment striking out all after the word "as" in line 9, page 2, and inserting the words "miscellaneous receipts"?

Mr. FERGUSON. Yes.

Mr. MANN. And the gentleman is willing to accept that amendment?

Mr. FERGUSON. Yes; it is very important that we get this bill, and I will make any concession in order to induce people to lease and build on these lots.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to have the gentleman define some good reason why the State of New Mexico does not wish to undertake the control and operation of these springs; why the National Government should undertake the management and direction of the springs that are entirely local in character, especially now that you have statehood.

Mr. FERGUSON. This bill was allowed to go over and hold its place at the last unanimous-consent day until I could find out about it. In the first place, we have no State law on the statute books in reference to taking care of property for lease or for the lease of such springs.

Mr. STEPHENS of Texas. As a matter of fact, does not your constitution prohibit it?

Mr. FERGUSON. I am not certain of that. I will state to the gentleman from Wisconsin that I have not yet heard from the letter that I wrote for information. However, I do know that there is no machinery in our State provided now for leasing and taking care of these springs as it ought to be done. I will state that if he will permit the bill to pass now with the amendment that I have agreed to, I will be willing to have a bill introduced after the next session of the legislature providing means of that sort for the State to take over the springs if Congress is willing to give them to the State. I am afraid, and I have been so informed from another source, that perhaps Congress would not allow us to take it in that way.

Mr. STAFFORD. I think there would be less objection to a bill granting the springs to the State of New Mexico for its own development than to pass this bill, which seeks to unload on the Government the supervision and expense of the springs. I think the gentleman should ask that the bill go over without prejudice.

Mr. FERGUSON. I will be willing, after the legislature has made provision to accept that, if it can be passed, but in the meantime I beg the gentleman to permit this bill to pass, until the legislature can provide other means. I ask it in the interest of humanity, in the interest of hundreds and thousands of people who are trying to get the benefit of these springs who are suffering and actually need it now. A lease can be made which can be transferred to the State later.

Mr. MANN. I would like to suggest, to my friend from New Mexico that if he could assure the gentleman from Wisconsin that the waters of the springs would benefit hay fever, he probably would find no objection to having the Government develop them so that the hay-fever sufferers could have an opportunity to recover.

Mr. STAFFORD. I will say in reply to the gentleman from Illinois that if the springs produced perennial youth, I would object to trying to foist on the Government something that is exclusively of State concern. I hope the gentleman will ask to have it passed without prejudice.

Mr. FERRIS. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. FERGUSON. Yes.

Mr. FERRIS. Mr. Speaker, I desire the attention of the gentleman from Wisconsin [Mr. STAFFORD]. I do not think I can add anything to what the gentleman from New Mexico has said; but this is the situation: The Federal Government has gone down into New Mexico and has withdrawn some of its own property. It is held there, stagnant, so to speak. The Federal Government has so far failed and refused to do anything with it. The Legislature of the State of New Mexico is not in session. The State can not now accept it; and, furthermore, they are paying 5 and 6 per cent taxes down there and in all probability can not carry any more. Now, if the Federal Government has seen fit to withdraw this area by reason of its special value, by reason of its mineral properties, surely it is not too much to let the gentleman pass his bill, put the property to some use, and put the money that comes from it into the Treasury. No harm can come from that. It does do the State a great harm to withdraw lands and do nothing with them. That has been the great trouble, that has been the cause of the uprising, and the protest against the so-called conservation methods in the past. The Government has withdrawn property in good faith, perhaps, as it ought to be withdrawn, and then has never returned to the task and done anything more with it. The gentleman comes in and asks to do something with the property, to wit, to do the thing that it was withdrawn for and to carry out the purposes for which the property was intended to be used. To carry the bill over works a hardship upon the gentleman and upon his district and on the community, and if he agrees to the amendment insisted upon by the gentleman from Illinois [Mr. MANN] and puts the money into the Treasury, what earthly objection can the gentleman from Wisconsin

have? I hope the gentleman will not make the gentleman from New Mexico carry his bill over to another unanimous-consent day. I fear it will knock him out altogether, which I do not believe the gentleman from Wisconsin desires to do.

Mr. STAFFORD. Mr. Speaker, at least six weeks ago this bill was under consideration, under unanimous consent, and at that time the thought was expressed that it was a matter for State concern solely. The gentleman declined to follow the suggestion made by those opposing the bill.

Mr. FERGUSSON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. And sought to have it continued from week to week. Last week it was about objected to, but it went over without prejudice; and now the gentleman places this before us in the closing days of the session for us to accept this proposition and have the National Government undertake the leasing of these springs, which are most valuable. As it appears to me, this is a matter for State concern and should be undertaken by the State.

Mr. FERGUSSON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FERGUSSON. My statement then was, with reference to both suggestions—one from the gentleman from Illinois [Mr. MANN]—that the money be turned into the Treasury of the United States, and that I have accepted, and I have investigated that and find that will still give us the use of the springs for the suffering people. With respect to the other point, I respectfully suggest to the gentleman that I have investigated that, and I find that there is absolutely no machinery in existence in our State for utilizing these springs. The law would have to be enacted and arrangements made to accept them and to make provision for leasing and use.

Mr. STAFFORD. Is the gentleman willing to have an amendment incorporating a provision that at the expiration of a certain time the springs shall go over to the control of the State of New Mexico?

Mr. FERGUSSON. How long a time?

Mr. STAFFORD. Oh, I am not concerned about the length of the time. The gentleman from Oklahoma [Mr. FERRIS] says that the legislature is not in session. I am opposing this being foisted upon the National Government. I do not want to deprive the citizens of New Mexico from the use of these springs. I am willing to turn the title over to the State; but I do not believe the National Government should assume to experience again that which we have had at Hot Springs, Ark.

Mr. FERGUSSON. If we should wait a certain time and then it should go to the State, does that involve not doing anything with it in the meantime?

Mr. STAFFORD. No; it does not.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MANN. Mr. Speaker, we are confronted with a very peculiar situation at present, which I think we ought to take advantage of. Probably more than a hundred million dollars a year are expended by American citizens in Europe attending the various watering places there for the benefit of their health. We have in this country just as good springs and water for all varieties of the ills of man as there are in Europe, and then some. Our people have been in the habit in the main of going abroad to drink the waters, or bathe in them, instead of making use of the opportunities here at home. I myself visit, whenever I have an opportunity, one of the springs in this country, and believe that the very good health which I usually enjoy comes largely from that fact. If we could compel everybody to go once in a while to some of our own springs and make use of the water, we would largely meet the antagonism, possibly, of those who live by the ills of men. I am not in favor of turning these springs over to the State. The Government owns these springs, and the only proposition pending before us is to permit the use of them without any expense on the part of the Government, to permit people to pay for their use, and turn the money over into the Treasury. I dare say that Hot Springs, Ark., have saved hundreds of thousands of lives in this country, and have prolonged them for many years, and that Hot Springs never would have been properly developed except under the control of the National Government. While I do not believe in the Government going rashly into such matters, I am not afraid of the Government passing bills like this, which seek, at least, to advertise to the people who have formerly spent their money abroad that they can keep their money at home and get just as good results to their health. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, I hope the gentleman from Wisconsin will not object. I am personally acquainted with this country, with the surroundings there, and I know that these springs are of very great value. It has been

known for very many years among the stockmen, the ranchmen, the farmers, and the miners of that country that these springs contain healing properties as great as the Hot Springs of Arkansas, to which the gentleman from Illinois [Mr. MANN] has just alluded. In addition to that, I desire to state that the great Elephant Butte Dam, known now as the Angle Dam, is but a few miles above these springs, and that the Government has expended in the neighborhood of seven and a half million dollars upon this vast project, one of the greatest irrigation projects in the United States, if not in the world, and the land there is becoming very valuable, and we expect to have thousands of people settle in this valley below these springs and around these springs.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I desire simply to say this touching this and similar bills: I agree with what the gentleman from Illinois [Mr. MANN] has said about there being in America springs of value equal to some of the world-famed ones abroad, and I agree with what he said as to the desirability of having them patronized by Americans, but I do not believe in the theory advanced that the Federal Government should undertake to develop these springs. I do not believe that with the Federal Government in control the hot springs of Arkansas have been of anything like the benefit they could have been and should have been under proper administration, and I think that at times it has amounted pretty closely to a scandal the way those springs have been handled instead of it being a matter upon which we ought to congratulate ourselves. Now, there is not a State in the Union that has not dozens of springs that the people living there believe to be of exceedingly great value. Most of the States that have gotten far enough away from the original Indians have begun to accept the Indians' statement as to curative properties of springs with some degree of doubt and have depended upon an investigation rather than folklore as to the value of the waters. My State has dozens of springs, some of great value. Now, I believe it would be infinitely better to let the States, if they want to maintain them as State institutions, to do so; or if they want to permit them to be maintained by private enterprise under proper regulations, to do that, but for us here to-day practically to start out on a program of making these springs a national resort and then having, as we will have, annually brought before the Committee on Appropriations items for expenditure, and to have Congressmen, who have to be responsive to the pressure that comes upon them, constantly agitate for such expenditure, is a thing in which I do not believe. We have too many parks owned by the National Government that ought to be local; we have too many sanitariums that are not entitled to the name, and I am not willing to consent under unanimous consent to the consideration of a bill that does not carry with it a worked-out plan, whether it be for State or National aid, and for that reason I feel compelled to object to the present consideration of the bill.

The SPEAKER. The gentleman from Kentucky objects, and the bill will be stricken from the calendar.

SETTLEMENT OF CERTAIN ACCOUNTS UNDER RECLAMATION ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation act, and for other purposes.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be passed on the calendar without prejudice.

The SPEAKER. The gentleman from Colorado asks unanimous consent to pass this bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

ALCATRAZ ISLAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

The bill was read.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

ENLARGING SITE, UNITED STATES BUILDING, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16829) for enlarging the site for the United States building at Plymouth, Mass.

The bill was read.

Mr. FITZGERALD. Mr. Speaker, I suggest that this bill be passed without prejudice.

Mr. THACHER. Mr. Speaker, I would ask the gentleman from New York to have the kind courtesy to withhold his request for a moment in order that I may make a brief statement.

The SPEAKER. The gentleman from New York asks unanimous consent to pass this bill without prejudice.

Mr. THACHER. Will the gentleman withhold his request for a moment?

Mr. FITZGERALD. I shall object eventually.

Mr. THACHER. Simply to allow me to make a brief statement in order to correct some statements which were made last week.

Mr. FITZGERALD. I will withhold for a moment.

[Mr. THACHER addressed the House. See Appendix.]

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the Record on this subject. Is there objection? [After a pause.] The Chair hears none. The gentleman from New York asks to pass the bill without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRANCH HYDROGRAPHIC OFFICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 494) to establish a branch hydrographic office at Los Angeles, Cal.

The Clerk read the title of the bill.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE ST. LOUIS RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota," be, and the same is hereby, amended by adding at the end of section 1 thereof the following: "That on or before July 1, 1915, said Interstate Transfer Railway Co. shall provide an approach to said bridge, connecting with a traveled public highway in the State of Minnesota, so as to make said bridge accessible from such highway at all times for wagons, vehicles, and pedestrians, and such approach and connection shall be of such width and character as to permit of street-car traffic thereon; that the authority and rights granted by this act shall cease and be null and void unless said approach and connection are completed on or before said July 1, 1915."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. LOUIS RIVER BETWEEN MINNESOTA AND WISCONSIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of St. Louis, in the State of Minnesota, a municipal corporation organized and existing under and pursuant to the laws of the State of Minnesota, to build, maintain, and operate a public highway bridge across the St. Louis River, at a point suitable to the interests of navigation, between the State of Minnesota and the State of Wisconsin, commencing at or near the intersection of Cherokee Street and One hundred and thirty-fifth Avenue west, in the city of Duluth, Minn., at the suburban village known as Fond du Lac, thence crossing the St. Louis River in a line at right angles to the channel of said river to a point on the Wisconsin shore about 100 feet westerly from the mouth of Dubray Creek, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The committee amendment was read, as follows:

Page 1, line 7, strike out the words "public highway."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

Mr. COOPER. Mr. Speaker, I wanted to ask the gentleman from Georgia why the words "public highway" are stricken from the bill. This is a municipal corporation which wishes to build the bridge. What sort of a bridge is a municipal corporation to build unless it be a public highway bridge?

Mr. ADAMSON. Mr. Speaker, the general bridge act was written in order to simplify and shorten these special bills. The War Department approves the plans and permits the bridges to be constructed.

It is not our custom to put definitions of the bridge into a special bill. The general bridge act provides that when a bridge like this is built by anybody as a public highway bridge the use of it by other people may be compelled by making compensation to the people who built it. But the definitions of a bridge are not necessary in a special bridge act.

Mr. COOPER. Does the gentleman say that the general law now compels anyone authorized by law to build a bridge to make it a public highway bridge?

Mr. ADAMSON. No, sir; if a municipality builds a bridge as a public highway bridge, the general bridge act compels it to submit to the use of it by the Government for its purposes and by the railroads upon their paying for the use of the bridge. It can not be a railroad bridge unless the railroad builds it or pays for the use of it. The object of the general bridge act was to standardize the special bills, leaving the War Department under the general bridge act to regulate the construction and use of the bridge, so that we strike out all of the definitions in these bridge bills.

Mr. COOPER. I think Congress ought to keep very close watch over bridges that it permits to be constructed over navigable streams.

Mr. ADAMSON. The committee does that.

Mr. COOPER. I do not think the putting in of the words "public highway," defining the character of the bridge, would be at all objectionable. I do not understand why those words were included in the bill as introduced unless they were intended to be retained.

Mr. ADAMSON. It was just introduced by a Member who did not get the ordinary form. The ordinary form has no definitions in it. When we adopted the general bridge act I think the gentleman from Illinois [Mr. MANN] framed the form, and also the form of the act granting consent for dams, and generally Members use that form, but sometimes Members describe it, and put in sometimes a great deal more than this. When the committee considers it, it generally strikes out the surplusage and amends it.

Mr. COOPER. The bill before this was quite specific, and it was reported by the same committee, I believe.

Mr. ADAMSON. Yes.

Mr. COOPER. It requires the other bridge, in so many words, to be constructed with two through decks, one of which shall provide for the passage of wagons and vehicles and street railways.

Mr. ADAMSON. That is a railroad bridge, is it not?

Mr. COOPER. Yes.

Mr. ADAMSON. The community would not be willing for the railroad bridge to be built unless the railroad agrees to take care of the public highway travel also; but in this case that is not necessary, because the general bridge act provides that if the railroads want to use it they can do so under the terms of the general bridge act.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I move to amend, Mr. Speaker, by inserting, after the word "bridge" in line 7, page 1, the words "and approaches thereto."

Mr. ADAMSON. That ought to be in it.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

After the word "bridge," on page 1, line 7, insert the words "and approaches thereto."

Mr. ADAMSON. That amendment is right, Mr. Speaker.

The SPEAKER. The committee amendment will be first considered. The Clerk will report it.

The Clerk read as follows:

Amend page 1, line 7, by striking out the words "public highway."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS CHIPPEWA RIVER, WIS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, both railroad corporations organized and existing under the laws of the State of Wisconsin, to construct, maintain, and operate a railroad bridge and approaches thereto across the Chippewa River, at a point situate to the interests of navigation, from a point on the northerly bank of said river in lot 4 to a point on the southerly bank of said river in lot 3, all of section 7, in township 28 north of range 8 west, in Chippewa County, Wis., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment as follows:

Amend, page 1, line 8, by striking out the word "railroad."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

The title was amended so as to read: "An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a bridge across the Chippewa River at Chippewa Falls, Wis."

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITIA OF THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15376) to amend section 16 of an act entitled "An act for the organization of the militia in the District of Columbia," approved February 18, 1903.

The bill was read, as follows:

Be it enacted, etc., That section 16 of an act entitled "An act to provide for the organization of the militia in the District of Columbia," approved February 18, 1903, be, and the same is hereby, amended to read as follows:

"Sec. 16. That hereafter all appointments to the grade of second lieutenant shall be from the enlisted men, under regulations prescribed by the commanding general, and subject to the examination required by law: *Provided*, That when there are no available candidates among the enlisted men qualified for promotion to this grade as herein provided, the commanding general may, in his discretion, and subject to the examination prescribed by law, fill said vacancy by appointment from civil life of applicants having had previous military service equivalent to six months' service in the National Guard of the District of Columbia."

With a committee amendment, as follows:

Amend, page 2, line 8, by striking out the words "National Guard" and inserting the words "Organized Militia."

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I would be glad if the gentleman from California [Mr. KAHN] would explain the bill, and particularly the proviso.

Mr. KAHN. The proviso changes the existing law. Under the terms of the existing law no man can be appointed to the grade of second lieutenant unless he has had six months' experience as a private in the local Organized Militia. This bill allows the commanding general to appoint any man who shall have had service in the Army or in the National Guard somewhere else equivalent to six months' service in the District Organized Militia. In other words, some of the companies may not develop material that would be good or sufficient for promotion to the grade of second lieutenant. Therefore under those circumstances the department officials feel they ought to be allowed to appoint some man who has had experience either in the Regular Army or in the Organized Militia elsewhere equivalent to that six months' service. The War Department recommends it.

Mr. JOHNSON of Kentucky. I have not read this bill for several months, but according to my recollection of it the regularly enlisted members of the National Guard in the District of Columbia can, at the will of the commanding officer, be displaced and an outsider brought in and put in at the head of them.

Mr. KAHN. I do not think so.

Mr. JOHNSON of Kentucky. That is the purpose of it.

Mr. KAHN. I do not think it will have that effect. Here is the way it reads:

That hereafter all appointments to the grade of second lieutenant shall be from the enlisted men under regulations prescribed by the commanding general, and subject to the examination required by law: *Provided*, That when there are no available candidates among the enlisted men qualified for promotion to this grade as herein provided—

And so forth. It is only when there are no available candidates.

Mr. JOHNSON of Kentucky. A great deal depends upon the word "available" there. The word "unavailable" means men not competent for the place. As I read the bill, the commanding officer has sole discretion to determine whether there is in the command somebody who is "available," and he is the judge of the "availability."

In my judgment it would have a bad effect upon the local organization. I think the officers ought to come from the ranks of the local organization, and that we ought not to pass a bill which would deprive the men of being promoted from time to time on account of merit, and not because of the whim or caprice or some slight objection or desire to prefer somebody else on the part of the commanding officer. I think this is a very dangerous bill, and one that will work to the detriment of the local organization. I think these young men ought to be given the right to promotion, through competition among themselves, and that an outsider should not have the right to come in and precede them in that right of promotion.

Mr. KAHN. So far as I have been able to find out, there are no cases such as the gentleman refers to.

Mr. JOHNSON of Kentucky. Then there is no need for the bill.

Mr. KAHN. Oh, yes. There are companies in the Organized Militia of the District, as I understand it, which would like to have men who have had military experience and who have an honorable discharge from the Regular or Volunteer Army, put into positions of command, as commissioned officers in the local organization. Those men are not available at the present time. They can not be appointed unless they serve as privates for six months in the local organization. Now, a man who has been commissioned as an officer in some organization, whether the Regular Army, the Volunteer Army, or the National Guard of some other State, is not going to enlist as a private in order to get a commission in the Organized Militia of the District of Columbia; whereas, if his former commission would entitle such officer to be appointed and commissioned, there would be no objection from the men in the local National Guard, so far as I have been able to find out, and the National Guard would receive the benefit of the practical training and experience that these officers would be able to give the men.

Mr. JOHNSON of Kentucky. But, at the same time, they would be excluded more or less from the right of promotion.

Mr. KAHN. It is only when there is no available material.

Mr. JOHNSON of Kentucky. Yes; but you allow one man to decide upon the "availability" of the material, and it will work a reflection upon the National Guard of the District of Columbia, I think.

Mr. KAHN. Has the gentleman heard of any enlisted man in the District of Columbia who objects to this bill?

Mr. JOHNSON of Kentucky. I think it is a reflection upon the National Guard.

Mr. KAHN. The gentleman would keep out of the guard men who have had practical experience as officers.

Mr. JOHNSON of Kentucky. No; but if they are eligible to membership in the local National Guard, let them come in and take their regular turn with the local members of the organization.

Mr. KAHN. Does the gentleman think that if he had been commissioned as a captain in the Regular Army and was retired, and then he desired to give the local guard the benefit of his experience, he ought to be compelled to go in and enlist as a private in the local militia in order to get a commission in the National Guard?

Mr. JOHNSON of Kentucky. Yes; I think so. All members of the local organization should be stimulated by hope of promotion.

Mr. KAHN. The gentleman will find that no man who has had that training will enlist under those circumstances.

Mr. JOHNSON of Kentucky. In other words, I do not think that anybody ought to want to come into this local organization and deprive these young men, who are striving for promotion within the ranks, of their opportunities for promotion.

Mr. KAHN. So far as I have been able to find out, there is no young man who is striving for promotion who would be injured by the passage of this law.

Mr. JOHNSON of Kentucky. I will wager that every young man in the ranks here is striving for promotion. Every one of them would prefer to be an officer than continue as a private.

Mr. KAHN. I have visited the National Guard on a number of occasions, and I have never found any young man who has objected to this bill.

Mr. JOHNSON of Kentucky. If practically all of them are not striving for promotion, then the whole organization ought to be put out of business. It is not made up of the proper kind of material, if that is the case, and I believe it is made up of good and ambitious men.

Mr. KAHN. There is no question about that.

Mr. JOHNSON of Kentucky. These young men should have these promotions, and no bill should be passed which would permit outsiders to receive promotions over men in the ranks. A man ought not to be commissioned simply because he is a favorite of the commanding officer and given promotion over these young men who have been in this organization for years and years and who are unquestionably seeking promotion.

Mr. KAHN. If they are seeking promotion and they can pass the examination, then of course they must be appointed. The bill does not take away that right. But if they fail in the examination, then material must be obtained elsewhere. Every young man in order to obtain the promotion must take an examination. If he fails, and if they all fail, and there is no available material within the organization, then why should not the local organization get the benefit of the outside material that is available?

Mr. JOHNSON of Kentucky. I believe the gentleman is speaking of a condition which will never exist.

Mr. KAHN. Then the bill will do no harm.

Mr. JOHNSON of Kentucky. If there is a lack of "available" material, it is because of a lack of opportunity for promotion from the ranks.

Mr. KAHN. In the first place there must be a desire to pass the examinations. They have a right to pass them if they so desire it. They may not desire to pass. There are a great many men who have served a great many years and who never seek even a noncommissioned rank. They have no ambition for it. They are content to serve in the ranks.

Mr. JOHNSON of Kentucky. I should hate to think there is no ambition in the organization, and I do not think it.

Mr. KAHN. The gentleman puts words in my mouth that I did not use. I did not say there was no ambition. I say there are some who have no ambition to become commissioned officers. I do not say that the men are not ambitious. It is as honorable an ambition to serve faithfully in the ranks as to command.

Mr. DONOVAN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. To ask for the regular order.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects. The bill will be stricken from the calendar and the Clerk will report the next bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MOORE. Reserving the right to object, I suggest to the gentleman to let this bill go over.

Mr. ADAMSON. I do not see the author of the bill here. I am willing that it should be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the bill be passed without prejudice?

There was no objection.

SAFETY OF TRAVELERS ON RAILROADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17893) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended so as to read as follows:

"Sec. 3. That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof shall be liable to a penalty of not less than \$100 nor more than \$500 for each and every violation,

to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains."

SEC. 2. That nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violation at the time of the approval of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE COAST GUARD.

Mr. BROWN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill S. 2327, the coast-guard bill, which was stricken from the calendar on last unanimous-consent day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

FUR SEALS FOR NATIONAL MUSEUM.

The next business on the Calendar for Unanimous Consent was the House joint resolution (H. J. Res. 270) authorizing the Secretary of Commerce to have taken specimens of the Pribilof Islands fur seals as specimens for the collection of the National Museum.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of Commerce be, and he is hereby, authorized to have taken for the collections of the United States National Museum a series of specimens of the Pribilof Islands fur seal, to properly illustrate the range of variation in both sexes at all ages, said collection not to exceed 30 specimens in number.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, is there any special reason for the passage of this bill at this time?

Mr. BURKE of Wisconsin. Mr. Speaker, there are special reasons.

Mr. MANN. They are not disclosed in the report. What are they?

Mr. BURKE of Wisconsin. The Secretary of the Smithsonian Institution, Dr. Walcott, writes to the Secretary of Commerce that all the specimens of Pribilof Islands fur seals that are now in the collection of the National Museum are defective, and that it is necessary that they secure a new set. The report shows the letter from the Secretary of Commerce setting forth a part of the letter from Dr. Walcott, in which it is stated:

I find that the Pribilof Islands fur seal is very poorly represented in the collections of the United States National Museum. The specimens are practically all defective, and it is highly desirable that this important mammal should be properly represented in the national collections.

In view of this, I am writing to ask if you think there will be an opportunity the coming summer to secure a series of skins and skulls prepared with the special needs of the museum in view. About 30 complete specimens selected to illustrate the range of variation in both sexes at all ages would form a series adequate for the scientific study of the species.

The National Museum now has one of the largest mammal collections in the world, and it is strange that there is not a good representation of one that is so valuable and of such importance to the American people as the fur seal.

The matter was investigated by the Committee on the Merchant Marine and Fisheries, and we came to the conclusion that the request ought to be granted.

Mr. MANN. I asked the gentleman if there was any special reason for the passage of the resolution at this time. It seems somewhat strange that when we had an open killing season of the seals for many, many years, the National Museum did not avail itself of the opportunity to obtain these specimens, but waited until there was a closed season for five years, which will soon expire, after which time they will have no trouble in getting the specimens. Now they want to run in when there is a closed season. It is so remarkable that it will require a better explanation than the one given by Dr. Walcott, for whom I have the highest regard.

Mr. BURKE of Wisconsin. If the gentleman will permit, this request was made as long ago as the 23d of last May; and besides there is every reason to believe that the closed season will be continued.

Mr. MANN. What reason is there to think that it will be continued after the expiration of five years?

Mr. BURKE of Wisconsin. We can not tell.

Mr. MANN. No; you can not tell.

Mr. BURKE of Wisconsin. If the present closed season serves a good purpose, it may be continued.

Mr. MANN. If it serves a good purpose, there is no reason for its continuation; and if it does not serve a good purpose, it ought not to be continued.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

WATER SUPPLY, SALT LAKE CITY, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah.

The Clerk read the bill as follows:

Be it enacted, etc., That the public lands within the several townships and subdivisions thereof hereinafter enumerated, situate in the county of Salt Lake, State of Utah, are hereby reserved from all forms of location, entry, or appropriation, whether under the mineral or non-mineral land laws of the United States, and set aside as a municipal water-supply reserve for the use and benefit of the city of Salt Lake City, a municipal corporation of the State of Utah, as follows, to wit: The south half of the south half of section 9; the south half of the southwest quarter and the southeast quarter of section 10; the south half of section 11; section 12; section 13; section 14; section 15; section 16; the northeast quarter and south half of section 17; the south half of the south half of section 18; section 19; section 20; section 21; section 22; section 23; section 24; section 25; section 26; section 27; section 28; the north half of section 29; the north half of the north half of section 33; the north half of the north half of section 34; section 35; section 36, in township 1 north, range 1 east, of Salt Lake base and meridian; all of township 1 north, range 2 east, of Salt Lake base and meridian; the south half of section 32; the south half of section 33; the south half of the south half of section 34; the south half of section 35, in township 2 north, range 2 east, of Salt Lake base and meridian; the south half of section 7; the west half of the west half of section 17; section 18; section 19; section 30; section 31, in township 1 north, range 3 east, of Salt Lake base and meridian; section 1; section 2; the northeast quarter of section 11; section 12; section 13; section 24, in township 1 south, range 1 east, of the Salt Lake base and meridian; section 1; section 2; section 3; section 4; section 5; section 6; section 7; section 8; section 9; section 10; section 11; section 12; section 13; section 14; section 15; section 16; section 17; section 18; section 19; section 20; section 21; section 22; section 23; section 24; the north half of section 25, in township 1 south, range 2 east, of Salt Lake base and meridian; the west half and the southeast quarter of section 5; section 6; section 7; section 8; the west half of the west half of section 9; the west half of the west half of section 16; section 17; section 18; section 19; section 20; the west half and the southeast quarter of section 21; the west half of section 27; section 28; section 29; section 30; the north half of section 32; the north half of section 33; the northwest quarter of section 34, in township 1 south, range 3 east, of Salt Lake base and meridian.

SEC. 2. That the lands heretofore described and reserved for municipal water-supply purposes shall be administered by the Secretary of Agriculture at the expense of and in cooperation with the city of Salt Lake City, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands to more fully accomplish such purposes; and to that end said city shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved, for the storage and conveying of water and construction and maintenance thereon of all improvements for said purposes.

SEC. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909" (35 Stat. L., p. 1098), as amended by the act of Congress approved June 25, 1910 (36 Stat. L., p. 857).

SEC. 4. That this act shall be subject to all legal rights heretofore acquired under any law of the United States, and the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

In section 2, page 3, line 22, strike out the following: "at the expense of and," and in line 23, same section and page, after the word "with," insert the following: "and at the exclusive expense of."

Amend section 3, page 4, lines 15 and 16, by striking out all of line 15 after the word "act," and all of line 16 up to the word "shall" in said line 16.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Utah. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LENROOT. Mr. Speaker, I do not think I was present in the committee when this bill was considered. I would like to ask the gentleman what is the purpose of striking out the language in section 3? The original bill proposed a penalty for the violations of the act and any regulations made by the Secretary in conformity therewith, but here is an amendment proposing to strike out the phrase "or the regulations issued thereunder." So if the amendment is agreed to there is no way of punishing a violation of the regulations.

Mr. JOHNSON of Utah. The thought of the committee was that the act in and of itself was sufficient to protect against any violation and that the punishment prescribed thereunder was sufficient.

Mr. LENROOT. I call attention to the fact that this very section confers on the Secretary the authority to make necessary regulations to carry out the purposes of the act. Now, what is the remedy if there is a violation of any regulation? There is no penalty.

Mr. JOHNSON of Utah. I do not think this would in any way eliminate the regulations.

Mr. MANN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MANN. Mr. Speaker, I have no doubt that the Committee on Public Lands, which reported the bill, had in mind the ruling of the court with reference to regulations made by departments, about making the violation of them a criminal offense.

Mr. TAYLOR of Colorado. We have always been opposed to giving a mere executive officer's regulation the force and effect of a criminal law.

Mr. MANN. And yet we do that constantly, where we provide for the regulation being made within certain restrictions. The courts hold that such a regulation so made can be enforced by criminal procedure. For instance, the gentleman from Wisconsin [Mr. LENROOT] has called attention to the provisions of this section. The Secretary is authorized to make regulations—including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands.

That is a regulation, and it is a regulation which we can authorize to be treated as a misdemeanor if it is violated, but if you strike this provision out as proposed there is no use of enforcing that regulation.

Mr. TAYLOR of Colorado. Nobody would object to reasonable regulations, but giving the unrestricted authority to make regulations that are criminal laws is going entirely too far. There should be some limitation somewhere.

Mr. MANN. We do not make any regulation a criminal law.

Mr. TAYLOR of Colorado. Yes, you would, if you leave that as it is written.

Mr. MANN. We have not the authority. It is in respect only to regulations upon the government of the property. We put that in all of the provisions. We put that in the provision the other day when we passed a bill for one of the parks, creating a park up here in Montana. The bill as originally reported from the Committee on the Public Lands authorized a commissioner out there to send a man to the penitentiary for violating a regulation.

Mr. TAYLOR of Colorado. I do not remember that our committee ever made any such report.

Mr. MANN. No; but the committee finally changed that; but it was still made a misdemeanor, and unless you leave this in this bill is not worth the paper that it is written on. You can not make a misdemeanor out of the violation of a regulation which is issued without specific authority of Congress; but where we grant specific authority, as we do constantly, in the quarantine regulations, that is a different matter. We provide there that the Secretary shall make regulations concerning quarantine, and we provide that there shall be an offense committed if those regulations are violated, and the courts have upheld those within certain restrictions.

Mr. TAYLOR of Colorado. If we could provide that the regulations would be within certain restrictions probably no one would object. But you must recollect that there are some 18,000 employees in the Interior Department, and the idea of having any one of several thousand subordinate agents or clerks making regulations, and making new ones every week, and for Congress to provide in advance that every one of those regulations shall be a law and for the violation of it send good citizens to the penitentiary or to jail is intolerable.

Mr. MANN. Yes; but the only regulation the Secretary can make under this bill is a regulation to carry out this act.

Mr. TAYLOR of Colorado. Yes; but who says what regulations are necessary to carry out this act?

Mr. MANN. The courts.

Mr. TAYLOR of Colorado. Oh, no.

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. The Secretary and his subordinates will make such regulations as they please under this authority, and there will be no one to regulate them.

Mr. MANN. Oh, no; the courts determine that.

Mr. TAYLOR of Colorado. But they will make the regulations, and the courts will not control their discretion under this express authority.

Mr. MANN. They make regulations as much as they please, but if they are not to carry out this act they are of no consequence.

Mr. TAYLOR of Colorado. So far as forbidding people from going onto the property or polluting the water is concerned, I have no objection to the Secretary making regulations on that subject, if we confine it to that.

Mr. LENROOT. Mr. Speaker, I am opposed to this amendment in section 3 striking out the words "or of regulations thereunder," and I want to call attention of the gentleman from Utah [Mr. JOHNSON], who is especially interested in the bill, to the fact that if this amendment be adopted, as the gentleman from Illinois [Mr. MANN] has said, the bill, for the purpose desired, will not be worth the paper that it is written upon. The purpose of this bill is to protect the water supply of the city of Salt Lake City, and the only way that that can be protected is by regulations providing for the use of this land or keeping people and trespassers off it when their presence would be detrimental to the water supply.

Mr. JOHNSON of Utah. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. JOHNSON of Utah. I have no especial reasons for insisting upon this amendment. I am perfectly willing that the amendment should be stricken out.

Mr. LENROOT. Mr. Speaker, a number of years ago the Supreme Court of the United States had before it a question very similar to this—in fact, exactly as this would be, if this amendment were adopted—with reference to a certain trespass upon certain lands.

In that case the court held that the Government was powerless; that the Congress having provided no penalty, there could be no punishment for the violation of the regulation. Afterwards, in the forest reserve act, a provision was made similar to that which is contained in the Senate bill, and in the case of the Government against Grimaud a criminal punishment for violation of regulations issued by the Secretary of the Interior is upheld and sustained. Of course, the regulations made by the Secretary must be authorized by the Congress, and the Secretary can make no regulations that the court would punish, unless the regulation is for the purpose of carrying out the purpose of the bill; and I repeat, Mr. Speaker, if this amendment be adopted the bill becomes absolutely valueless so far as protecting the water supply of Salt Lake City is concerned.

Mr. RAKER. Mr. Speaker, it seems to me gentlemen are mistaken as to the intent and purposes of this section. This provision of the section—let us read it and see what it says:

Sec. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act, including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act—

Now follows the words stricken out, "or of regulations issued thereunder."

And then it goes on to say:

shall be punishable as is provided for in section 50 of an act entitled "An act to codify, revise, and amend the penal laws of the United States—

And so forth.

Now, section 50 of the Criminal Code reads as follows:

Sec. 50. Whoever shall unlawfully cut or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, shall be fined not more than \$500 or imprisoned not more than one year, or both.

If you want to protect the forests, the law here is ample protection, and any destruction is a criminal offense in any way, shape, or form. Now, what more do you want for the department in the making of rules and regulations?

Mr. LENROOT. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. LENROOT. What would the gentleman say about using these lands for camping purposes and polluting the water? The only way you can reach it is by regulation. If there is no

punishment for a violation of the regulations, they can pollute all the waters and there is no way of preventing it.

Mr. RAKER. Not at all. They have full authority. They can not trespass upon the Government domain when reserved for special purposes. Unlawful trespass is provided for, and why should any rule or any regulation—

Mr. LENROOT. Does the gentleman mean to say that the mere going upon the public domain, putting up a tent upon it, is a trespass within the meaning of the law?

Mr. RAKER. I do not; but I do say where there are reservations and land reserved for special purposes by the Government a man can be a willful trespasser upon that land and is subject to the criminal statutes by Congress the same as he would be a willful trespasser under the various State laws.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RAKER. I do.

Mr. GREEN of Iowa. Is it the intention of the bill to keep the people entirely off the land? I supposed it was intended—

Mr. RAKER. The bill keeps them off, and the code keeps them off beyond a question, and the question here involved is, Why should you insert an additional one, saying that every rule and regulation, irrespective of what it should be, should be a criminal statute, and the man who violates it is guilty and may be punished by a fine of not exceeding \$500 or imprisonment for not more than one year, or both, without any knowledge of what the rule is, without any publication of what the rule is, and you attempt to enact criminal laws by saying that if some regulation be violated a man becomes subject to prosecution and punishment.

Mr. GREEN of Iowa. The gentleman is aware that every forest reservation in the United States is subject to this very proposition of violation of rules and regulations and punishment if they violate them.

Mr. RAKER. Under the statute?

Mr. GREEN of Iowa. Yes.

Mr. RAKER. But under the statute, not rules or regulations which the department may make.

Mr. GREEN of Iowa. I beg the gentleman's pardon.

Mr. RAKER. There is no doubt about it, and it has been so determined.

Mr. TALCOTT of New York. Does the gentleman from California believe that some person who might be camping on public domain would lead to the pollution of water?

Mr. RAKER. I do not. When the Hetch Hetchy bill was passed it was determined you could camp, you could use the watersheds, providing you did not throw refuse and foul matters in the stream. But this is not intended to cover such a proposition as that.

Mr. TALCOTT of New York. Suppose matter of that kind did get in, would not the volume of water be sufficient to clear it from pollution?

Mr. RAKER. There would be no occasion—

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask for five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Right in the city of Washington, under your best system of supply of water in the world, as they claim, you have here a reservoir around which automobiles drive.

You can stand on the sidewalk or lounge upon the grass and no objection is made. But here in a territory 40 miles square the contention of the gentleman is that there should be rules and regulations which make it a criminal offense if you walk upon the territory of one corner, so that there may be no trickling water down into the stream, and which would make you subject to treatment as a criminal—not intentionally—without notice of what the rules are, without notice of what the rules and regulations are. In other words, this country is to be fenced in, as it were, by a secret rule, and a man who, perchance, walks across the corner becomes a criminal.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. LENROOT. If the gentleman understood me as he states he did, I am sure no other member of the House did.

Mr. RAKER. What did the gentleman say?

Mr. LENROOT. That I was in favor of making a regulation to make a man a criminal who walked on the public domain.

Mr. RAKER. If the gentleman examines the RECORD he will see.

Mr. LENROOT. I did not say anything about that.

Mr. RAKER. The question then comes up whether or not the law passed by Congress is not sufficient. What rules and regulations do you want to make to avoid that very thing, and to show that that great territory in the Yosemite Valley Park

could be used? It was placed in the law so that those who got the right could not close it up and prevent its use by campers and people of this country, and they could go at will, so long as they did not throw refuse into the stream. They could camp within 300 feet of the flowing streams and the reservoir, and the best scientific men of the land, after much investigation, as well as the War Department and others, said that that would be absolutely sanitary. The committee unanimously, when this matter was taken up, struck these words out of this bill because of prior legislation and because of the belief that the city of Salt Lake did not require and did not desire a provision of this kind, that would absolutely shut up this entire territory, but desired that it should be used for the purpose of conserving a proper watershed; and, further, that there should not be legislation by Congress that would make a regulation not even published, not even printed, save that except that it is written in the office and signed and laid away in some box, and a man thereby becomes punishable and be convicted and sent to jail for a year.

That is the object of this provision. I do not see why gentlemen desire to give this department the authority as herein contended for, when they all worked and voted for the provision in the Hetch Hetchy bill which permitted its use.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. RAKER. I do.

Mr. LENROOT. The gentleman seems to be in favor of giving the department the authority to make this regulation?

Mr. RAKER. Why, I am in favor of enforcing the criminal law as it is enacted.

Mr. LENROOT. No: This gives the Secretary power to—

Mr. RAKER. I appreciate that.

Mr. LENROOT. Is the gentleman in favor of that?

Mr. RAKER. I am in favor of regulations that will assist in preserving this for a watershed, to the end that they may carry it out along the same line and under the same views with a like idea as was presented in the Hetch Hetchy bill, which did not make it a criminal offense.

Mr. LENROOT. Can the gentleman tell us how all these regulations will be enforced under his theory?

Mr. RAKER. By the usual methods; not by criminal methods. If he is a trespasser, you can sue him. You can put him off. Men informed of these conditions are not going willfully to go there and despoil this country.

The SPEAKER. The time of the gentleman from California has expired.

Mr. MANN. Mr. Speaker, I am reminded how differently our friend from California [Mr. RAKER] talked when we had the Hetch Hetchy bill before us. Then it was all important to preserve the forests from contamination. Now it is not important at all.

Under the provisions of this bill if the Secretary does not have authority to make regulations and enforce them as a misdemeanor—and I am not sure if he would have, even if this language were not stricken out—but if he does not have, anyone could drive a herd of sheep or cattle upon the land anywhere, along any of the reservoirs, and how would you get him off?

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. MANN. Yes.

Mr. RAKER. I have not changed my position on the Hetch Hetchy bill.

Mr. MANN. Of course the gentleman has not changed his position on the Hetch Hetchy bill.

Mr. RAKER. Certainly. I was always in favor of that. How would you get them off of the territory in the Hetch Hetchy?

Mr. MANN. I confess I do not know. I am frank to say I do not know how you would get them off there.

Mr. RAKER. Will the gentleman yield to one further question?

Mr. MANN. Yes.

Mr. RAKER. The gentleman and I are in accord on these general lines.

Mr. MANN. I think so.

Mr. RAKER. But the gentleman does not want me to hold a man criminally liable, to be put in jail for a year for, perchance, violating some rule that has not been promulgated in regard to regulations as to the particular use, does he?

Mr. MANN. Why, Mr. Speaker, the gentleman and I have been living in Washington for some time—a good deal longer than either of us wanted to stay continually—and everything we do in passing along the streets is subject to police regulations. They do not get an act of Congress for it.

The Commissioners of the District of Columbia announce the regulations and the newspapers print them, and if you do not observe them the District authorities will arrest you. Perhaps they might not arrest a Member of Congress, but they fine them. They arrest other people. That is done all over the country. It has to be done. It is not possible for Congress to define all the misdemeanors that are affected by police regulations.

Now, what is proposed here? We say that the Secretary shall prescribe and enforce such regulations as he may find necessary to carry out the purposes of this act, including the right to forbid persons, and so forth, from entering or otherwise trespassing upon these lands. How will he enforce the regulations?

Mr. RAKER. Will the gentleman yield right there?

Mr. MANN. I will yield for an answer to that question. How will he enforce the regulations?

Mr. RAKER. For instance, it is unlawful to carry your gun across the Yosemite National Park, but they do not arrest you if you do.

Mr. MANN. If it is unlawful, they do.

Mr. RAKER. No.

Mr. MANN. If it is unlawful, it is a misdemeanor.

Mr. RAKER. No; it is not.

Mr. MANN. Why, certainly it is.

Mr. RAKER. I beg the gentleman's pardon. An officer meets a man and takes his gun and takes it down.

Mr. MANN. The gentleman is occupying my time. I can not outtalk the gentleman. He talks faster than I do. We provide that in the Yosemite National Park violations of the regulations are misdemeanors, and I believe we also provided under an old law that a commissioner could send a man to the penitentiary for a violation of them, though that is unconstitutional and I apprehend nobody has tried to do it. But how will he enforce those regulations? It seems to me sensible to permit the Secretary to make regulations under which people may go on this land; and if a person violates the regulations, then he subjects himself to punishment. If the Secretary can not make regulations, he will keep everybody off the land. It is just as much a misdemeanor to violate these regulations as it is a misdemeanor to violate an ordinary regulation.

Mr. GREEN of Iowa. Mr. Speaker, I think the gentleman from California [Mr. RAKER] misunderstood the purport of my inquiry. I was simply inquiring for information. If I am incorrect the gentleman from California can inform me, or the gentleman in charge of the bill can inform me, as I understand it is not intended to keep everybody off of this reservation, but simply to prevent acts that would tend in some way to pollute the water supply. If this provision is stricken out of the bill, as the gentleman from Illinois [Mr. MANN] has well said, the only thing the Secretary of War could do would be absolutely to forbid people to go upon the watershed, which is not intended, and which, in my judgment, would not be a wise provision. The purpose of the bill, if I correctly understand it, is to permit people, under reasonable regulations, promulgated in accordance with the custom of the department, to go upon the watershed, if they do nothing that will pollute the water. But if the bill is left as it stands, the Secretary will either have to forbid people absolutely to go upon the watershed at all or it will be necessary to have police there constantly, the same as there are in the Yosemite Valley.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion?

Mr. GREEN of Iowa. With pleasure.

Mr. TAYLOR of Colorado. It seems to me that the language that was recommended to be stricken out by the Public Lands Committee is superfluous from the gentleman's standpoint. If the gentleman will read section 3, I do not think that that language is necessary at all. The section says:

SEC. 3. That in addition to the authority given the Secretary of Agriculture under the act of June 4, 1897 (30 Stats., p. 35), he is hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purpose of this act.

Now, if you stop right there, that will be enough. What is the necessity of putting in the rest of it? It seems to me that the succeeding words—

including the right to forbid persons other than forest officers and those authorized by the municipal authorities from entering or otherwise trespassing upon these lands, and any violation of this act or of regulations issued thereunder shall be punishable as is provided for in section 50 of the act entitled "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909"—

are entirely superfluous. Under the language above he is authorized to prescribe and enforce such regulations as he may find necessary to carry out the provisions of this act, including the right to exclude persons from these lands. Now, if he has these rights anyhow, why has he not enough authority, without throwing in the other clause? I think the unrestricted author-

ity to "issue regulations thereunder" is not necessary for any legitimate or necessary purpose, and might be grossly abused by petty officials.

Mr. LENROOT. Will the gentleman yield for a question?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. The additional acts could not be punishable under the forest-reserve law unless expressly made so by this bill.

Mr. TAYLOR of Colorado. In lines 13, 14, and 15 he is—

Hereby authorized to prescribe and enforce such regulations as he may find necessary to carry out the purposes of this act.

Now, why is not that enough? Why do you want to give him any more power than that? So far as I am concerned I do not care enough about it to take up the time of the House any longer. But I do think, generally speaking, it is a bad policy for us to pass laws giving any executive official the right to make criminal laws. It seems to me that the gentleman from Wisconsin [Mr. LENROOT], who is usually a strong stickler for human rights, ought not to advocate that kind of a policy anyhow.

Mr. LENROOT. Will the gentleman yield again?

Mr. TAYLOR of Colorado. Yes.

Mr. LENROOT. I stated in reply to the gentleman from California [Mr. RAKER] that this very provision was in the forest reserve act. The gentleman denied it. I have the act before me. It is here.

Mr. TAYLOR of Colorado. I did not enter into that discussion at all.

Mr. LENROOT. I simply state that in reply to the gentleman from California.

Mr. TAYLOR of Colorado. I do not propose to go on record in favor of Congress giving any executive official of the United States absolute and plenary power to make regulations that are criminal laws, with authority to change them whenever his whim changes and as often as he pleases and without notice. That is what it means, and it seems to me that we ought not to go that far. But I do not want to jeopardize the gentleman's bill. It is otherwise a good bill and ought to pass.

Mr. GREEN of Iowa. In reply to what the gentleman has said, I will state that while the act does give the Secretary the right to prescribe and enforce regulations, he has no way of enforcing them if this provision is stricken out.

Mr. TAYLOR of Colorado. Lines 13, 14, and 15 of page 4 of the bill expressly give him the right to enforce all the regulations that are necessary.

Mr. GREEN of Iowa. It gives him the right to enforce, but no power to enforce if this provision is stricken out.

The SPEAKER. The question is on the committee amendments.

Mr. MANN. There are two other committee amendments. I would like to have them considered separately.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

Page 3, line 24, strike out the words "at the expense of and."

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 25, after the word "with," insert the words "and at the exclusive expense of."

The amendment was agreed to.

The Clerk read as follows:

Page 4, lines 18 and 19, strike out the words "or of regulations issued thereunder."

The question was taken; and on a division (demanded by Mr. RAKER) there were—ayes 10, noes 18.

So the amendment was rejected.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Utah, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MAIL CHUTES FOR PUBLIC BUILDING, CLEVELAND, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to contract for and to have installed in the public building at Cleveland, Ohio, suitable mail chutes, and a sum not exceeding \$800 is hereby appropriated for said purpose out of any moneys in the Treasury of the United States not otherwise appropriated.

The following committee amendments were read:

In lines 5 and 6 strike out the words "and a sum" and insert in lieu thereof the words "at a cost."

In line 6 strike out all after "\$800," and all of lines 7 and 8.

The SPEAKER pro tempore (Mr. HAY). Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to inquire if it is necessary to make a special appropriation to put in these mail chutes why does it not come out of the fund for repairs, and so forth?

Mr. BULKLEY. This is not to make repairs, it is an original installation, and all the funds appropriated for the construction of the building have been exhausted.

Mr. FOSTER. I thought that these mail chutes were put in out of that fund. Does the gentleman know whether that is true?

Mr. BULKLEY. I understand not. The bill has been through the Senate and also the House committee, and that point has never been raised.

Mr. FOSTER. I was under the impression that they had the right to put them in.

Mr. MANN. What is the gentleman's remark? We can not hear over on this side.

Mr. FOSTER. I was inquiring why the fund for upkeep and repair for this building should not pay for these mail chutes without making another appropriation?

Mr. STAFFORD. If the gentleman will permit, all the accessories of a Government building must be provided for in the original appropriation, otherwise it can not be included as repairs.

Mr. FOSTER. This building has just been completed, I understand.

Mr. BULKLEY. The building has been practically completed about three years, but the mail chutes have never been installed, and this is a part of the original construction.

Mr. MANN. Mail chutes have been put in all over the country under the head of "repairs."

Mr. FOSTER. That was my impression, and I could not see the necessity of making a special appropriation. I thought that they had the right to do it.

Mr. BULKLEY. This matter has been carefully considered by the Senate committee and the House committee and has been favorably reported out of both committees, and I can see no objection to appropriating this small amount for this purpose.

Mr. FOSTER. Did the House committee inquire particularly as to this point?

Mr. BULKLEY. I presume the House committee knew about it, but no one ever raised the point.

Mr. FOSTER. Did they ever take the trouble to look it up?

Mr. MANN. It will not cost any more to do it this way than it would to do it the other way.

Mr. FOSTER. That is true.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. BULKLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to strike out the last word. It does seem remarkable that the Treasury Department and the Superintendent of Buildings would build a Federal building costing \$3,230,485 and not put in the ordinary mail chutes. It is true that sometimes we get behind the times. I have to send over to the House Office Building for my mail as often as I get it; but you would suppose that in this day they would not construct a building costing nearly three and a quarter million dollars without providing mail chutes. They undoubtedly have fancy window glass, fancy tiles, and fancy marble that are of no use to anyone except to look at, and omit the essentials. It looks like pretty near a foolish proceeding.

Mr. BULKLEY. I think there is much justice in what the gentleman says, but I call his attention to the fact that that was all done by a Republican administration.

Mr. MANN. Mr. Speaker, I hope that the gentleman is not so narrow as to assume that I was referring to partisans'ip. I do not think there is any partisanship—Republican or Democratic—in the office in charge of the public buildings. I am rather surprised at the gentleman.

Mr. BULKLEY. If the gentleman did not mean any partisanship—

Mr. MANN. The gentleman knew I did not.

Mr. BULKLEY. I misunderstood the gentleman.

The SPEAKER pro tempore. The question is on the committee amendments.

Mr. BULKLEY. Mr. Speaker, this bill as it passed the Senate authorized the installation of these mail chutes, and also

carried an appropriation of \$800 to pay for the work. The House Committee on Public Buildings and Grounds proposed amendments striking out the appropriation solely because that committee did not wish to assume jurisdiction of appropriations. Now, if this bill could have been passed within a short time after it was reported there would have been no objection to the committee amendments, because the appropriation could have been provided in one of the regular appropriation bills. But the Unanimous Consent Calendar has been congested, consideration of this matter has been delayed, and now the appropriation bills have all been passed and disposed of. To adopt these amendments now would result in considerable and useless delay in the installation of these mail chutes. I brought this situation to the attention of the chairman and some of the other members of the Committee on Public Buildings and Grounds, and also to the attention of the chairman of the Committee on Appropriations, and all agreed that under the present circumstances it would not be wise to insist on these committee amendments. I therefore ask that the committee amendments be disagreed to.

Mr. MANN. Mr. Speaker, I quite agree with the gentleman from Ohio. The situation is changed so since the bill was reported that it would be cause for a delay of at least a year before anything could be done if the committee amendments were agreed to. They might as well be submitted at once.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was considered and the committee amendments were rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BULKLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

POST-OFFICE BUILDING AT HANOVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of \$10,000, made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects and the bill is stricken from the calendar.

EXPATRIATION OF CITIZENS ABROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1991) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad."

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

POST-OFFICE BUILDING AT GRAND JUNCTION, COLO.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 16056) to increase the limit of cost of the United States post-office building at Grand Junction, Colo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Grand Junction, Colo., be, and the same hereby is, increased from the sum of \$100,000 to the sum of \$250,000, said increase to be employed in the enlargement and betterment of the building.

With the following committee amendment:

Line 5, strike out the figures "\$250,000" and insert the figures "\$175,000."

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman withhold his objection?

Mr. MADDEN. I will withhold it.

Mr. TAYLOR of Colorado. Mr. Speaker, I would like to state to the gentleman and the committee that the original appropriation for this building was obtained by me in the general bill of June 25, 1910. I then obtained an appropriation of \$100,000 for a public building in Grand Junction, Colo. Since that time the Supervising Architect and the Treasury Department have been trying to obtain a bid to construct the building. They have advertised three different times and each time they have failed to get a suitable bid within that amount, and they have never yet been able to start the building.

Mr. MADDEN. Why do they not make their plans to conform to the amount of money that is provided?

Mr. TAYLOR of Colorado. I can answer that. There is not only the post office in that city, but there is the United States Reclamation Service, the Government high-line project, with a large number of Government employees to be provided for for many years to come. There is the Forest Service, the Civil Service Commission, Department of Justice, and they have the weather bureau and the drainage department and a number of Government functions, and the Treasury officials felt that there was no use of constructing a building that is not half big enough right now.

Mr. MADDEN. When the gentleman got his appropriation for \$100,000, I suppose that was all he asked?

Mr. TAYLOR of Colorado. That is all the committee would give me. I think, however, that I did ask for \$200,000 at that time.

Mr. MADDEN. The gentleman knew that \$100,000 was all that was needed.

Mr. TAYLOR of Colorado. No; it was not all that was needed. It was all I could get at that time.

Mr. MADDEN. Let us assume that it was for the sake of the argument, and that when the \$100,000 was appropriated, the Supervising Architect had notice that that was the amount of money that would be expended, and in making his plans he should not have made plans to cover a building that would cost \$1,000,000.

Mr. TAYLOR of Colorado. Has the gentleman read the report of the Treasury Department or of the Supervising Architect upon this bill? They report that since that appropriation was made they have discovered that the foundation alone of this building will cost \$30,000. The city is underlaid with an alkali formation that makes it very expensive to obtain a suitable foundation for a large building. At least, that is the report of the architect.

Mr. MADDEN. What is the population of the town?

Mr. TAYLOR of Colorado. About 8,000.

Mr. MADDEN. What are the receipts of the post office?

Mr. TAYLOR of Colorado. They are given here.

Mr. MADDEN. Let us have them.

Mr. TAYLOR of Colorado. The receipts for the fiscal year 1913 were \$33,223.92, as against \$13,219.70 for the year 1903. They have grown from thirteen thousand to thirty-three thousand in 10 years. The report on this bill is as follows:

PUBLIC BUILDING AT GRAND JUNCTION, COLO.

JUNE 12, 1914.

The CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,

House of Representatives.

SIR: In compliance with your request of April 28 last, I have the honor to submit the following report on H. R. 16056 (1639), which provides for an increase in the limit of cost of the post-office building at Grand Junction, Colo.

The limit of cost authorized in the act of June 25, 1910, for the construction of the building is \$100,000.

The work has been advertised and proposals submitted three times, but on account of insufficiency of funds it was necessary to reject all proposals. When the third set of proposals were submitted the plans called for a one-story building only, for the accommodation of the post office exclusively, although there are several other branches which require space, viz:

Reclamation Service, 1,422 square feet, annual rental	\$750
Forest Service, 1,140 square feet, annual rental	300
Weather Bureau, 752 square feet, annual rental	480
Civil Service Commission, 500.	
Department of Justice, 300.	

The amount of rent now paid for post-office quarters is \$1,000. The receipts for the fiscal year 1913 were \$33,223.92, against \$13,219.70 for that of 1903.

The population of the town in 1910 was 7,754, and the number of persons served from the post office is approximately 15,000.

Attention is invited to the unusual soil conditions existing in this locality and the consequent large increase in the cost of securing good foundations. The soil is highly impregnated with alkali, making it necessary to exercise every precaution for the protection of concrete, brick, and other masonry from disintegration and complete destruction.

It is estimated that in order to provide for all branches of the service a two-story and basement building with a ground area of 8,000 square feet will be required, and that the cost of such a building faced with brick with stone trimmings, and using fireproof construction, will be \$200,000, or an increase of \$100,000 in the present limit of cost.

It is recommended that the present legislation be amended so as to provide for the accommodation of the post office and other governmental offices.

Respectfully,

W. G. MCADOO, Secretary.

The committee held quite a full hearing upon this bill on June 24, 1914, and again on July 15, 1914, at which last hearing Mr. Oscar Wenderoth, Supervising Architect of the Treasury Department, appeared and presented the matter very fully. From his statement and the other statements of Mr. TAYLOR, the author of the bill, and other evidence before your committee, it appears that some seven or eight years ago an appropriation was made for the purchase of a site for this building, and the site was duly acquired soon thereafter; that on June 25, 1910, in the general omnibus public buildings bill, there was an item of \$100,000 authorized for the construction of a public building at Grand Junction for a post office and for the accommodation of the various other Federal offices situated in that city. Since that time the Supervising Architect has three different times advertised for bids, and has been unable to obtain a bid within the amount of the appropriation, or that would at all warrant his office in pro-

ceeding with the construction of a building under that authorization; the bids for even an inadequate one-story building for the post office alone being in excess of the authorization.

The Treasury Department desires to construct a suitable two-story building of at least 8,000 square feet floor space, which is actually necessary for the accommodation of the Government requirements of that city at this time, and while it has been strongly urged upon the committee that an increase of \$100,000 is absolutely necessary—and the Treasury Department officially recommends that amount—nevertheless your committee believes that the Government can construct a brick building sufficient at least for the present time with an increase of \$75,000, and has therefore recommended that amount.

One reason why the building will cost the amount shown by the statement of Mr. Wenderoth is because of the character of the foundation. The architect estimates that the foundation of the building will cost \$30,000, because of the site being underlaid with alkali, which rapidly disintegrates the cement used in the concrete, and thereby requires a special scheme of construction, the experts reporting that the cement piers must be surrounded by a 6-inch casing of tar cement.

It was shown in the hearings that the city of Grand Junction is the metropolis of western Colorado and always will be the largest city in the western half of the State. The present post office serves about 15,000 people and is situated in the center of a very rich and growing agricultural and fruit district. The large high-line Government reclamation project, and also the drainage department of the Government for all western and southern Colorado, are located there, with a large force of Federal employees, and will for many years to come require a large amount of office space.

In view of the repeated efforts to construct this building with the present appropriation, and the assurance of the Treasury Department that nothing further can be done until an additional appropriation of at least \$75,000 is authorized, and the fact that the matter is now and has been for more than a year at a standstill, your committee earnestly recommends this appropriation as an emergency measure.

Mr. MADDEN. It is proposed here in a town of 8,000 population, renting a post-office building now for \$1,000 a year, to expend \$175,000 for the construction of a building, the rent of which, at 3 per cent per annum, would be \$5,250 per year, and then there would have to be a janitor employed and a lot of other incidental expenses, which are unnecessary and unjustifiable and unjustified under the circumstances.

Mr. TAYLOR of Colorado. With all due respect, the gentleman does not understand the situation at all.

Mr. MADDEN. I think I do.

Mr. TAYLOR of Colorado. We do not regulate public buildings merely on the population of a town. We construct them according to the needs of the Government at that place, do we not?

Mr. MADDEN. If I had my way—

Mr. TAYLOR of Colorado. Will the gentleman answer the question, does not Congress construct buildings according to the needs of the Government, rather than upon the population of a city?

Mr. MADDEN. If I were calculating the needs of the Government in a town like this, I would calculate a building the interest charge on the cost of which would not amount to over \$1,000 dollars a year.

Mr. TAYLOR of Colorado. That kind of a building would be utterly useless. We must pay some attention to the present and future needs of the Government as shown by the Treasury Department report. The \$1,000 rent is only for the post office. There is over \$1,500 rent for the other Government offices there.

Mr. MADDEN. I would not pay any attention to anybody's report in a case like this, except the common-sense view of the situation.

Mr. TAYLOR of Colorado. When we have all these Government functions there and when the Supervising Architect says there is no use of constructing a building of less than two stories and 8,000 square feet floor space, what is the use of constructing a one-story building of half that size, or of compelling that city to wait several years longer? I have been held up three years upon this matter now.

Mr. MADDEN. If I had a town of 8,000 inhabitants in my district and was going to recommend the construction of a building, I would say that the building ought not to cost over \$10,000 under any circumstances instead of \$175,000. We are putting up post offices all over the city of Chicago the cost of which do not exceed \$10,000 each, and in which there are employed from two to three hundred men doing the work that is necessary to be done in those buildings, and the revenues from which are ten times as much as the revenues would be from a building in the town in which this building is proposed to be constructed.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion. It seems to me the gentleman certainly can not have read the report and that he ought in all fairness to at least read the report of the Treasury Department on my bill.

Mr. MADDEN. I have read the report.

Mr. TAYLOR of Colorado. The report says that this post office now serves 15,000 people, and that with the many Government functions there a much larger building is required than is ordinarily sufficient for a town of that size. The situation is unusual. Grand Junction is the metropolis of western Colorado; it is the most important town in the western half

of our State. It is the general governmental center of western Colorado, and the governmental officials are trying to build a Federal building there that will hold all those Government offices, and the amount now appropriated will not construct a one-story building that will be big enough now for the post office alone. The Senate has already passed a duplicate of this bill, and they have passed it for \$100,000, and I am only asking this House for an increase of \$75,000.

Notwithstanding we are acting upon unanimous consent, it seems to me the gentleman from Illinois ought to be reasonable and not arbitrarily object to this bill and deprive us of a building that is necessary and suitable for our actual needs. This appropriation will have to be made some time, because the Supervising Architect says there is no use trying to advertise any more unless we can get a further appropriation sufficient to build a suitable building in that city.

Mr. MADDEN. I put up a building, if the gentleman will allow me, just a little while ago, 4 stories high, 50 feet wide, and 150 feet deep, best kind of construction, fireproof in every particular, at a cost of \$42,000. There is no need for any such size building as this I have just described in the town referred to by the gentleman from Colorado. The expenditure of \$175,000 for the construction of a building there would be an extravagant waste of public money, and I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. TAYLOR of Colorado. Does the gentleman object to the bill remaining on the calendar and pass it over without prejudice?

Mr. MADDEN. I am perfectly willing to let it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the bill being passed without prejudice?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make a few observations to the House if I may. I have no doubt Grand Junction, Colo., ought to have a good Federal building sooner or later and probably sooner. As far as the interests of Grand Junction are concerned we are now paying \$1,000 rent at that place for the post office, but at the same time I wish to make this statement to the House.

Mr. TAYLOR of Colorado. That does not include the other Government offices. The total rent that the Government is now paying is over \$2,500 a year, as I understand the report.

Mr. MANN. It seems to me just at this time, when we propose to pass a bill to impose new taxes upon the people, that our watchword ought to be economy. We have been rather free with the people's money, and so long as we collect a reasonable revenue there is no reason why we should not be entirely liberal in the way of giving expenditures and the construction of Government work, but I think just now, as long as this war lasts, as long as we are affected by the situation that exists in Europe as we are affected by it, that we ought to cut off every expenditure possible.

Mr. TAYLOR of Colorado. I feel that way myself. We ought to cut off all possible expenditures wherever we can during this war, and I think that right here in Congress is a good place to start with the utmost economy. When we are preparing to levy a war tax on the people it is no time to be making any appropriations of any kind that are not absolutely and urgently necessary.

Mr. MANN. That is what my colleague is endeavoring to do.

Mr. TAYLOR of Colorado. He has not objected to any other bill of this kind, I notice, all this time. We have been passing them right along here by unanimous consent.

Mr. MANN. Oh, if the gentleman will pardon me for a moment, the situation that has arisen has only arisen recently.

Mr. TAYLOR of Colorado. I realize that. But we passed several bills just like this, increasing the cost of buildings, last week.

Mr. MANN. We passed a number of bills increasing the cost of public buildings, I think, properly enough.

Mr. TAYLOR of Colorado. If the gentleman will permit me a suggestion. If the House will say to me that no more public building appropriations will be authorized until this war is concluded I will be mighty glad to vote for it and temporarily lay this bill aside, and I think it would be the most sensible thing this House could do. But if, regardless of the war, you are every unanimous-consent day going to pass bills of this character, I certainly am entitled to consideration when this building has been delayed and held up for three or four years.

Mr. MANN. Now, I am not discussing this particular bill. I think we have not passed very many of these bills since the war broke out. I do not say whether this bill ought to pass or not, although I do not believe it will be any great detriment to

the public service if the construction of this building were deferred for a year.

It has done very well so far, but, so far as I am concerned, no one can say they will not vote some appropriation, for no one can tell what exigency will arise. We passed an appropriation this morning of \$1,000,000, not for our own benefit, but for the benefit of foreign citizens of foreign Governments, and we could not escape it; but on those things where we can economize I think we ought to economize in the expenditure of money until this emergency and exigency has passed over.

Mr. TAYLOR of Colorado. I think that ought to apply to all appropriations. I will very gladly join you in economizing on everything all down the line. I do not want the spasm of economy to begin and end on Grand Junction.

Mr. MANN. I think the gentleman from Colorado will find that—

Mr. TAYLOR of Colorado. I will be glad to vote for cutting off all appropriations of all kinds right along during this Congress, and I think we had better commence right now to object to all bills on this calendar that appropriate any money.

Mr. STEPHENS of Texas. Now, I desire to ask the gentleman from Illinois [Mr. MANN] if he does not think it advisable to let the river and harbor bill go over for 12 months?

Mr. MANN. I think it would be advisable to let the river and harbor bill go over 12 months or longer.

Mr. STEPHENS of Texas. I agree with the gentleman.

Mr. MANN. And some of the items in that bill, it would be better to have them go over for 12 years or longer or 1,200 years, possibly. [Applause.]

The SPEAKER pro tempore. Is there objection to passing this bill over without prejudice? [After a pause.] The Chair hears none.

POST-OFFICE BUILDING, HANOVER, PA.

Mr. RUPLEY. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 12464 for the purpose of asking that it go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. RUPLEY. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

RIGHT OF WAY, FORT WINGATE RESERVATION, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Atchison, Topeka & Santa Fe Railway Co., of Kansas, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, granted a revocable license to survey, locate, construct, and maintain a railway, telegraph, and telephone line into and upon Fort Wingate Military Reservation, N. Mex., to connect with its present right of way, as may be determined and approved by the Secretary of War or the chief officer of the department under whose supervision such reservation may otherwise fall.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 200 feet in width through said Fort Wingate Reservation, with the right to use other additional ground when cuts and fills may be necessary for the construction and maintenance of said roadbed, not exceeding 100 feet in width on each side of the said right of way, or as much thereof as may be included in said cut or fill, excepting, however, from said right of way hereby granted that strip or portion thereof which would be included within the limits of the present 200-foot right of way heretofore granted to said Atchison, Topeka & Santa Fe Railway Co. and used by it as its main line right of way: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That any other person or duly organized corporation constructing a railroad along a line necessitating the crossing of said reservation may, upon obtaining a license from the Secretary of War, use the track and other constructions herein authorized to be placed upon the reservation by the said Atchison, Topeka & Santa Fe Railway Co. upon paying just compensation; and, if the parties concerned can not agree upon the amount of such compensation, the sums or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That before this act shall become operative a description by metes and bounds of the lands herein authorized to be taken shall be approved by the Secretary of War: *And provided further*, That the said Atchison, Topeka & Santa Fe Railway Co., of Kansas, and other parties obtaining license from the Secretary of War as hereinbefore provided, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

SEC. 3. That the powers herein granted are limited to a period of 50 years unless sooner altered, amended, or repealed by Congress.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore (Mr. HAY). Is there objection?

Mr. STAFFORD. I reserve the right to object, Mr. Speaker.

Mr. FERGUSON. Mr. Speaker, this is in the State I have the honor to represent, and I have some knowledge of it.

Mr. STAFFORD. Mr. Speaker, this bill seeks to grant a right of way over an abandoned, as it seems, military reservation that has been turned into a national forest. There is nothing in the report to show that the proposition has been submitted to the Secretary of Agriculture for his approval. We merely have a report—and it is a very meager one—from the Secretary of War. The Secretary of War is not as much concerned with this property as is the Secretary of Agriculture, because it is now a forest reserve.

Mr. FERGUSON. I do not understand that it has been incorporated yet as a forest reserve. It is occupied temporarily now, I will say to the gentleman from Wisconsin, by the Mexican soldiers who crossed over and were confined at Fort Bliss for safe-keeping.

Mr. STAFFORD. I will say to the gentleman that it is already incorporated as a forest reserve. I direct the gentleman's attention to the last paragraph of the Secretary of War's letter, where he says:

It may be further stated that Fort Wingate is ungarrisoned, and by Executive order dated May 31, 1911 (G. O. 80, W. D., 1911), was made a part of the Zuni National Forest, "to be protected and administered as national-forest lands, but that the same shall remain subject to the unhampered use of the War Department for military purposes, and to insure such use the land shall not be subject to any form of appropriation or disposal under the land laws of the United States."

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit me to make a suggestion?

Mr. FERGUSON. That is only a nominal addition.

Mr. STEPHENS of Texas. Is it not a fact that Fort Wingate is the point where 5,000 Mexican prisoners are held by the United States Army? And is it not now considered as a military reservation, maintained at an expense of about \$50,000 a month?

Mr. STAFFORD. Whether it is now used as a military prison for the confinement of Mexican relics of the late unpleasantness or not, it is still covered as a forest reserve.

Mr. FERGUSON. It is turned over as a nominal part of the forest reserve, but it is at most but a mere nominal addition to the forest reserve, and, as the gentleman from Texas [Mr. STEPHENS] has suggested, it is actually occupied now by the military as a camp for keeping the Mexican prisoners. It is under the jurisdiction of a forest-reserve officer, but it is not used in any particular way as a forest reserve, although it is under their jurisdiction as to such matters as protection from fire and things of that kind. But that the Government reserves the right to use it at any time as a military reserve is attested by the fact that it is now in actual use for the safe-keeping of the Mexican prisoners, where they are kept under the jurisdiction of the military department.

Another thing that I would like to call to the attention of the gentleman from Wisconsin is the fact that a report of the Secretary of War has been made quite recently, long after this merely nominal addition was made to the forest reserve, and in that report he assumes the right to say there what he does say, that this request of the Atchison, Topeka & Santa Fe Railroad Co. is a fair request that will not interfere with the use of that reservation as a forest reserve.

Mr. STAFFORD. There is nothing in the report to show that it will not interfere with the use of it as a forest reserve.

Mr. FERGUSON. It was added as a forest reserve by Executive order in 1911.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. Yes; I yield.

Mr. DENT. I just want to ask the gentleman from Wisconsin this question: Does he not suppose that when this bill was submitted to the War Department, if the Agricultural Department had had any objection the War Department would not have reported favorably on the bill? As a matter of fact, they have favorably reported on the bill. Otherwise, if they believed they had not jurisdiction, they would have submitted it to the Agricultural Department.

Mr. STAFFORD. No. We have instances in the case of other bills on the calendar where one department expresses its view upon it, and then if it pertains to the jurisdiction of another department it is submitted also to that department for its view. What length of right of way would be involved in this grant?

Mr. DENT. Mr. Speaker, I can not give the gentleman any detailed information about this bill. I have no interest in it, absolutely, and simply made the report at the request of the

chairman of the committee because I was a member of the committee. But when the War Department reported favorably upon it and this reservation was stated to be practically abandoned, and the purpose of this bill was simply to straighten the line of this railroad, the committee could not see any objection to the bill.

Mr. STAFFORD. I question whether there is anything here to indicate that the purpose of this bill is to straighten the line of the railroad. I think perhaps the gentleman from Alabama [Mr. DENT] is confusing this bill with another bill which is on this calendar, in which there is a grant of a right of way made to the same railroad.

Mr. DENT. Of course I got my information by hearsay—that it is to straighten the line of the railroad.

Mr. STAFFORD. There is another bill here, granting to the railroad a right of way over an Indian reservation for the purpose of straightening its line. I should think, Mr. Chairman, that this bill ought to go over without prejudice so as to obtain further information concerning it.

Mr. MANN. Mr. Speaker, before it goes over I would like to call the attention of the gentleman to what the bill does and what it is for, because plainly it ought not to pass in its present form.

Section 1 grants a revocable license for the construction of a railway and of telegraph and telephone lines.

In section 2 the corporation is authorized to take and use, for all purposes of railway, telegraph, and telephone lines a right of way 200 feet in width. Now, if section 1 grants a revocable license for this purpose and section 2 grants 200 feet in width directly for the purpose, how much do they get?

Then, having provided in section 1 for a revocable license, we provide in section 3 that the powers herein granted are limited to a period of 50 years, unless sooner altered, amended, or repealed by Congress. Having provided in section 1 for a revocable license, you provide in section 3 that it is a 50-year franchise unless Congress interferes. The revocable license in section 1 purports to be one governed by the Secretary of War or the chief officer of the department under whose supervision such reservation may fall. I do not know what that latter provision relates to, but I assume it relates to the Secretary of Agriculture, although the rest of the bill provides specifically that the Secretary of War and not the Secretary of Agriculture shall do certain things. I think whoever drew this bill had a nightmare when he was drawing it.

Mr. DENT. Mr. Speaker, I am not responsible for the gentleman who drew the bill.

Mr. MANN. Oh, I understand.

Mr. DENT. This is a Senate bill.

Mr. MANN. I understand that, but I do not assume that any Senator drew the bill. I assume that somewhere, at some place, a clerk in some law office gathered together scraps from various bills and threw them into this bill, but the bill contradicts itself in every section.

The SPEAKER pro tempore (Mr. HAY). Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object, unless there is—

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

FLAG TO WILLIAM B. CUSHING CAMP, SONS OF VETERANS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 121) authorizing the Secretary of War to furnish one United States garrison flag to William B. Cushing Camp, No. 30, Sons of Veterans.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the William B. Cushing Camp, No. 30, Sons of Veterans, Division of Maryland, and re-furnish whenever he shall deem it necessary one United States garrison flag, for the purpose of being displayed from one of the three flagstaffs on the plaza in front of the Union Station, Washington, D. C.: *Provided,* That the raising and lowering of said flag shall be done without expense to the United States Government.

With the following committee amendment:

On page 1, line 4, after the word "to," insert the words "the Commissioners of the District of Columbia for the use of."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the bill provides for donating to the Sons of Veterans a flag to be displayed on one of the three flagstaffs on the Plaza in front of the Union Station, and it provides that the flag is to be raised and lowered whenever this camp see fit and without expense to

the Government. We have all observed those three massive flag-staffs fronting the Union Station. Personally I would like to see the national flag flying not only from one but from each of them.

Mr. MANN. If the gentleman had looked yesterday he would have seen that very thing.

Mr. STAFFORD. That was the first time I ever saw the three flags flying there, Mr. Speaker, and they made a very attractive sight. I think the flying of the flag there ought not to be left to some subordinate organization, even though it is patriotic in its character, but that it should be left, as it was yesterday, to the jurisdiction of the Commissioners of the District of Columbia.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Ohio.

Mr. WILLIS. I can say to the gentleman that the purpose of this bill is to enable this patriotic society of the Sons of Veterans to keep that flag flying there all the time, as it ought to be. The idea is exactly what the gentleman has in mind—to keep the national colors flying there all the time. This would be a source of patriotic inspiration to every passenger who goes through the Union Station.

Mr. STAFFORD. Will the gentleman permit?

Mr. WILLIS. Yes.

Mr. STAFFORD. Is there anything in this bill that prevents the camp from exercising their judgment as to when they shall have the flag flying?

Mr. WILLIS. Perhaps not. There may be nothing in the bill to prevent that, but I can say to the gentleman that it is the purpose not to have the flag displayed irregularly but constantly.

Mr. STAFFORD. I supposed that the purpose was as the gentleman states.

Mr. WILLIS. In the amendment, to which the attention of the gentleman may not have been called, it is provided that the flag is to be furnished, not to Cushing Camp, Sons of Veterans, but to the Commissioners of the District of Columbia for the use of this patriotic organization. The Commissioners of the District have jurisdiction over it.

Mr. STAFFORD. I am quite familiar with the amendment. It has just been called to the attention of the gentleman himself, whereas I read it some time ago.

Mr. WILLIS. I carefully read the bill and the amendment a long time ago.

Mr. STAFFORD. As the gentleman is a very prominent candidate from a great State where these organizations are very strong and alert, I assume that he has read this or had his attention called to it a long time ago.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. STAFFORD. I shall be very glad to yield.

Mr. GREEN of Iowa. I will state for the information of the gentleman from Wisconsin that one of the officers of this organization was talking to me the other day, and said it was the purpose of the organization, if this bill passed, to put the flag up there every day unless the weather was such as would be likely to injure the flag.

Mr. STAFFORD. Does the gentleman think we ought to delegate to this association the raising of the flags on the Capitol, the Library of Congress, and the other Government buildings? Why should we single out this one flagstaff and delegate this patriotic duty to one organization?

Mr. GREEN of Iowa. Only because this organization is willing, and no other organization seemed to be willing, to assume this duty.

Mr. COOPER. Will the gentleman yield?

Mr. STAFFORD. I yield to my patriotic colleague.

Mr. COOPER. I suppose my friend is aware of the fact that William B. Cushing was a Wisconsin boy, one of the three Cushing brothers, who have been declared by historians to represent more of individual heroism in war than has been known in the lives of any other three sons of one mother. William B. Cushing, of the Navy, was the young hero of the world-famous sinking of the *Albatross*. His brother Alonzo, only 22 years old, commanding Cushing's battery at Gettysburg, at the very point where the heroic Gen. Armistead made the high-water mark of the Confederacy, was three times terribly wounded before he fell dead. The third brother served in the Army through the Civil War, part of the time as an officer, and was afterwards killed by the Indians. His commanding officer and his associates all declared that there never lived a braver or more knightly soldier.

Inasmuch as this flag is to fly above the center of what is the very gateway of this Capital City and be the first to greet the eye of every visitor, I sincerely hope that my friend, who I know is a patriotic gentleman, will not object, but will permit

it to go to the camp of veterans which bears the glorious name of William B. Cushing. [Applause.]

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would be dead to all patriotic motives if I withstood the persuasive eloquence of my genial colleague from Wisconsin. I am most mindful of the distinguished history of the famous Cushing family of Waukesha County, a county which I had the privilege of representing before it was transferred in the reapportionment to my distinguished successor [Mr. COOPER] who has just spoken. I certainly would not wish to do anything to detract from the glory of that name. At the present time there is being erected at the place of their birth in Delafield a monument to the memory of that great family. I will not interpose an objection, although I think it is questionable that we should delegate to any patriotic camp the right of raising and lowering the flag on Government buildings and institutions.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. STAFFORD. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. STAFFORD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VALIDATING LOCATION OF PHOSPHATE-ROCK DEPOSIT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17906) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States.

The Clerk read the title to the bill.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

Mr. FRENCH. Mr. Speaker, reserving the right to object, I want to know if we can not consider this bill to-day?

Mr. FOSTER. No; we can not to-day.

Mr. FRENCH. I am, of course, compelled to concede to the gentleman who has the veto power.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Idaho a question. This is a House bill. There is on the Unanimous-Consent Calendar a Senate bill for the same purpose. What is the object in keeping both bills on the calendar?

Mr. FRENCH. The House bill was placed on the calendar in order to get a place before the other was reported. It was my purpose, if we could consider this House bill, to ask that the Senate bill be taken up in lieu of the House bill.

Mr. MANN. This bill is on the Unanimous-Consent Calendar—No. 276—and only three numbers down—279—is the Senate bill. I can not see what we gain by cumbering up the calendar by two bills on the same subject.

Mr. FRENCH. The House bill keeps the place which might permit it to pass two weeks earlier than if it was the Senate bill. Suppose we should reach the bottom of page 42, and not take up any bills on the next page.

Mr. MANN. I would not consent to pass a House bill with a similar Senate bill two numbers down on the calendar.

Mr. FOSTER. Mr. Speaker, I will withdraw my request that the bill be passed over without prejudice and object to the bill.

The SPEAKER pro tempore. The gentleman from Illinois objects.

IMMEDIATE TRANSPORTATION OF DUTIABLE MERCHANDISE, BAY CITY, MICH.

The next business on the Unanimous-Consent Calendar was the bill (H. R. 2909) to extend the privileges of the seventh section of the immediate-transportation act to Bay City, Mich.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transporting of dutiable merchandise without appraisement, be, and they are hereby, extended to Bay City, Mich.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RECOGNITION OF SERVICES OF CERTAIN OFFICERS OF THE ARMY AND NAVY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16510) to provide for recognizing the services of certain officers of the Army and Navy, late members of the Isthmian Canal Commission, to extend to them the thanks of Congress, to authorize their promotion, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the thanks of Congress are hereby extended to the following officers of the Army and Navy of the United States who, as members of the late Isthmian Canal Commission, have rendered distinguished service in constructing the Panama Canal, to wit: Col. George W. Goethals, chairman and chief engineer; Brig. Gen. William C. Gorgas, sanitary expert; Col. H. F. Hodges; Lieut. Col. William L. Sibert; and Commander H. H. Rousseau.

Sec. 2. That the President is hereby authorized, by and with the advice and consent of the Senate, to advance in rank one officer of the Corps of Engineers, United States Army, named in section 1 of this act, to the grade of major general of the line, United States Army, and one officer of the Medical Department, United States Army, named in same section, to the rank of major general in said department: *Provided*, That no officers now belonging to said corps or said department shall be deprived of or prejudiced in his regular promotion.

Sec. 3. That for the purposes of this act the number of major generals of the line, United States Army, is increased by one and the rank of the head of the Medical Department, United States Army, is made that of a major general: *Provided*, That the officer who may be advanced and appointed major general in the Medical Department, United States Army, shall thereupon become the head of such department, and the operation of so much of section 26 of the act of February 2, 1901, as limits the term of office of the head of the Medical Department, United States Army, shall be suspended during the incumbency of the head of the department who may be appointed under this act: *Provided further*, That whenever any officer advanced under the provisions of this act to the grade of major general, United States Army, shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head of the Medical Department, United States Army, shall be that of a brigadier general: *Provided also*, That the President, upon the retirement of the officers of the United States Army and Navy named in section 1 of this act and not advanced in rank in accordance with section 2, is hereby authorized, by and with the advice and consent of the Senate, to advance said officers one grade on the retired list.

Mr. DENT. Mr. Speaker, I am not the author of the bill. Judge ADAMSON has charge of it, and he has stepped out temporarily. It is easy enough to answer the first question propounded by the gentleman from Illinois as to what the purpose of the bill is. It is simply to reward the builders of the Panama Canal for the extraordinary services that they have rendered to this country and to the world.

Mr. MADDEN. If that is all there is to it, I have no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MADDEN. Reserving the right to object, I would like to have the gentleman who has charge of the bill tell us something about what the purpose of the bill is, about what is sought to be accomplished, and how much it is going to cost.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend, on page 2, line 8, by striking out the word "officers" and inserting the word "officer."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, strike out the word "officers" and insert the word "officer."

Mr. MANN. The language is, "That no officers now belonging to said corps or said department shall be deprived of or prejudiced in his regular promotion."

Mr. DENT. I think that amendment is proper.

The amendment was agreed to.

Mr. MANN. Now I move to amend, on page 3, line 4, by inserting, after the word "and" where it occurs the second time, this language: "if such officer was prior to such separation head of the Medical Department."

The reason for that is that you make the proviso say:

That whenever any officer advanced under the provisions of this act to the grade of major general, United States Army, shall become separated from the active list of the Army, by retirement or otherwise, the extra office or grade to which he shall have been so advanced or appointed shall cease and determine, and thereafter the rank of the head

of the Medical Department, United States Army, shall be that of a brigadier general.

But you promote Col. Goethals to the position of major general under this act, and also Col. Gorgas, and then you say whenever any officer so advanced is retired, thereafter the chief officer of the Medical Department shall be a brigadier general. The result of that might be that you have Col. Goethals and Col. Gorgas both made major generals. Col. Goethals might die and immediately Maj. Gen. Gorgas would be reduced to the rank of brigadier general, which, of course, is not desired. It is only when the vacancy occurs in the Medical Department that you desire to have that apply.

Mr. ADAMSON. Mr. Speaker, I think the gentleman is right about that.

Mr. DENT. Mr. Speaker, I will accept that amendment.

Mr. ADAMSON. As I understand the amendment of the gentleman from Illinois [Mr. MANN], it merely makes this specifically apply without doubt to Gen. Gorgas.

Mr. MANN. That when this separation occurs, if it is the chief officer of the medical service, thereafter it shall be a brigadier general in that office.

Mr. ADAMSON. It makes it specifically operate as to Gen. Gorgas.

Mr. MANN. Yes.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 4, after the word "and" where it occurs the second time in the line, insert the words "if such officer was prior to such separation head of the Medical Department."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I do not want to detain the House, but I desire to say that I have not offered any amendment to this bill to change the rank which has been proposed, because I take it that the gentleman from Georgia [Mr. ADAMSON], who introduced the bill, and the members of the Committee on Military Affairs, which reported it, took into consideration all of the circumstances as well as the conditions in the Army. I had hoped that Congress, recognizing feats in time of peace as well as feats in time of war, recognizing the importance of great public service in time of peace as well as in time of war, might have given to Col. Goethals, who has constructed the greatest engineering work ever undertaken by a human being, the rank of general, a rank which will be conferred upon almost innumerable officers on the other side of the Atlantic Ocean during the present war for doing things of which we will never hear. The world has heard and will always hear of the work that Col. Goethals did. I would make him a general and let him stay on the active list as long as he lives, and enforce no duty upon him except that which he voluntarily performs. [Applause.]

Mr. ADAMSON. Mr. Speaker, I oppose the motion of the gentleman from Illinois to strike out the last word. I am not opposed to the delightful sentiments expressed by the gentleman, for I yield to no man in admiration for Col. Goethals and the mighty works which he has performed, but the gentleman from Illinois has rightly stated that we had a great many matters to consider, a great many people to consult. We had to consult the War Department. We did talk with the gentlemen themselves. We had to satisfy various members of the committee. We talked with the committees in both Houses of Congress, and with a great many Members and Senators, and we decided after thorough discussion of the question that the form in which the bill stands, acceptable to the War Department, and I think to all of the gentlemen concerned, was the best that we could do. I state to the gentleman from Illinois [Mr. MANN] now that there is no honor on earth which I would object to having conferred on Col. Goethals, and whether or not by legislative enactment we attempt to confer it upon him, the honor is already upon him and will be forever so regarded and accorded by the world, and can not be enhanced or diminished by this or any other act. [Applause.]

Mr. BURNETT. Mr. Speaker, I move to strike out the last two words. I do this, Mr. Speaker, for the purpose of saying something about Col. Sibert, who is a constituent of mine, from my home town, born in the mountains of north Alabama, and about the part that Alabama has played in the construction of the Panama Canal. Col. Sibert is a man who sprang from people in middle life, but he had energy, ambition, and intellect. Those good old people, his parents, struggled to give him the best education that could be obtained in the country schools and in the University of the State of Alabama at a time when it was hard for boys in the South to acquire an education and

to rise in life. It was just after the Civil War, when poverty was all over our land, and that boy was a happy one who could obtain even a rudimentary education among the hills where Col. Sibert was born and raised. But, Mr. Speaker, he had energy, he had a will, he had courage. After he had made fair progress with his studies in the country schools and the high school and had attended our State university for a while, perhaps graduating there, though I am not sure, he went to the West Point Military Academy, and acquitted himself well. After he graduated there he was assigned to some of the most important tasks in the Spanish-American War in the Philippines. I have heard several of his ranking officers, generals of that war, speak of the fidelity, the earnestness, the zeal, and the intelligence with which that young man prosecuted every branch of service that was ever assigned to him. He had charge of some of the most important river work at Pittsburgh and on the Ohio, and I have heard gentlemen along that river who watched the work of the young engineer speak most highly of him. He was not a man who undertook to laud his own work, because he wanted that work to speak for him.

When it was desired that a new commission should be appointed for this great work, I believe Gen. Marshall who was then the Chief of Engineers, and who knew Col. Sibert's good work, asked the President to appoint him to one of those positions. He, as well as the others referred to in this bill, made good. As was said in the Scriptures, their works do follow them. The great work of the opening of the Panama Canal is now temporarily overshadowed on the front pages of the papers of the country by that titanic struggle that is drenching the continent across the ocean with the blood of the best soldiers of that land, but when the smoke of battle has arisen, when history comes to record the eighth wonder of the world, in my humble judgment the work that has been achieved by those commissioners in cutting through the dividing land between the Atlantic and the Pacific, in that way connecting the waters of two great oceans and furnishing a course for the trade of our country, which will be developed more than ever on account of conditions brought about by the present war, will write high on the annals of fame the names of Goethals, Sibert, Gorgas, and the others as the men who have achieved this great work. [Applause.]

Mr. Speaker, my country, my district, and my State are proud of the name of Sibert. Persevering and courageous, he surmounted the difficulties that beset the pathway of a southern boy whose father had fought bravely the battles of the Lost Cause and had returned to find his home devastated and poverty staring him in the face.

The example of Col. Sibert will ever be an inspiration to the boys of my district who are struggling with adversity to do something and be something in the "world's great field of battle." But, Mr. Speaker, Col. Sibert was not the only Alabamian who bore a conspicuous part in this the most stupendous achievement of the age.

Two other great men from that State have won fame in the construction of the canal. I can find no better words to do them honor than those used by my able colleague from Alabama, Mr. DENT, in the splendid report which he makes on this bill. He says:

To Col. William C. Gorgas there can not be given too large a measure of praise. It is generally agreed that the failure of the French was due primarily to disease and a large death rate, which finally demoralized the entire force. This Col. Gorgas overcame, making the Isthmus sanitary and habitable. Without this it is doubtful if the canal would have ever been constructed, and certainly not without great loss of life and additional expense. The world recognizes that Col. Gorgas has made life in the Tropics not only possible but comfortable for the inhabitants of the Temperate Zones.

Col. William L. Sibert was especially designated to superintend the construction of the dam across the Chagres River and the three locks connected therewith on the Atlantic side. Perhaps the construction of the dam over this river was the most serious part of the entire work. It is a remarkable coincidence that the late Senator John T. Morgan, of Alabama, who may very properly be called the father of the Isthmian Canal, although he did not get the route he preferred, should have given as his principal objection to the Panama route the fact that the Chagres River could not be successfully dammed, when, as a matter of fact, it was dammed under the supervision of this other Alabamian, Col. Sibert.

My colleague, Mr. DENT, has well said that Senator Morgan may properly be called the father of the Isthmian Canal. To his great ability and untiring efforts is mainly due the inspiration of the Isthmian Canal movement. When this Government does justice to the one who initiated the movement, and to those who completed it, by erecting a monument on the canal to their memories, the names of the three great Alabamians—Morgan, Sibert, and Gorgas—will stand first among them all. [Applause.]

Mr. COX. Mr. Speaker, I thoroughly agree with all that was so ably said by the gentleman from Illinois [Mr. MANN] and

the gentleman from Alabama [Mr. BURNETT] concerning Col. Gorgas, Col. Goethals, Col. Gaillard, and others. They did their duty, and they did it well, and as such deserve the praise and commendation of a grateful people, and will no doubt receive it.

The passage of this bill is but a meek and mild recognition of their greatness as well as a fitting recognition of the work performed by them for humanity, born and unborn; but it seems to me that another class of people has been overlooked in the beautiful tributes paid to these gentlemen whose names are mentioned in this bill. All the gray matter ever placed within human skulls never could have constructed the canal had not a hundred million people, recognizing the important benefits to them and future posterity, without a murmur and without a protest, meekly bowed their backs and submitted to taxation to the amount of \$400,000,000 in order to construct, build, and equip it.

That Col. Goethals stands to-day the foremost engineer in all history, present or past, is undisputed. That Col. Gorgas likewise stands in the front rank along sanitary lines goes without question. That the others whose names are mentioned in this bill stand out in bold relief as great constructors of a great object is conceded by all, but none of these men, great as they are, could ever possibly have built the canal had it not been that the American people furnished the munition of war—all the money and all the means necessary to construct it.

France tried it, and in the course of a few years found itself almost bankrupt in attempting to construct it. France did not have the resources to follow up its mistakes and refinance it, with the result that after years of futile effort it had to abandon the project; but the inexhaustible financial resources of our great Nation made it possible for these men and their associates to overcome any mistake made by France or themselves, and now it is an assured fact that it is a renowned success. With an army of approximately 60,000 men engaged in the gigantic undertaking, all financed by the American people, nothing could prevent its final completion and ultimate triumph, but the project simply demonstrates the old adage that "America is but another name for opportunity"; and while I would not detract one laurel from the brow of these men, so faithful and loyal to the trust reposed in them, yet behind them is the mighty army of American men and women, the toilers of our Nation, who have added glory and renown to our country's history in patiently submitting to taxation to the end that all means necessary might be supplied for the construction and completion of this great international enterprise.

It is impossible to recount the benefit that will accrue to us as a nation and that will ultimately accrue to the people of all the civilized earth. It has shortened the route of travel around Cape Horn more than 4,000 miles; it has brought the Atlantic and Pacific in close and immediate touch; it has annihilated space and destroyed distance; it has brought the people in closer communion and, I hope, in closer fellowship and good will to men.

All honor and credit belongs to these great men who engineered this great feat, erased the Isthmus, brought the oceans in touch; but to the American men and women who financed the great scheme and undertaking credit and honor is likewise due.

Mr. SIMS. Mr. Speaker, I join in and agree with the words of commendation that have been spoken about these distinguished gentlemen who have been referred to on the floor of this House. I would like to supplement them, if I had time to do so; but there was one of these distinguished engineers who did a great work in connection with the building of the canal in severing the mountain chain by cutting through the Culebra Range. He lost his life in performing that great work. I refer to Col. Gaillard, I think of the State of South Carolina. When the committee of which I have the honor to be a member visited the canal, we were entertained at the home of Col. Gaillard in a splendid fashion by his good wife and his gallant young son. We were all impressed with the courtesy extended to the committee. We all regret that he did not live to see this hour. He lost his life in the performance of his duty and deserves as much praise and as much commendation as any one of the great men who have been so unstintingly praised; and I think it is but proper and due to those who live to mourn him, the members of his family, that he should not be forgotten at this time and on this occasion. That is the only reason why I rose to say anything. If Congress should ever take formal action at any time in recognition of these heroes of peace, I hope that Col. Gaillard and those who survive him will not be forgotten. [Applause.]

Mr. MADDEN. Mr. Speaker, I would like to say a word, if I may. It was my privilege to know all of these men well and to be associated with them more or less frequently in the work. Col. Goethals is one of the great engineers of the world. Col.

Gaillard was probably one of the best men on details in engineering I ever saw. Col. Sibert is a master constructive genius in masonry work, and it was he who had charge of the construction of the Gatun Locks. Col. Gorgas is undoubtedly the best sanitary scientist the world has ever produced. [Applause.] But one man about whom no one has said a word, and perhaps no one ever will, was Engineer Williams, who had charge of the Miraflores Lock construction. No engineer connected with the work, military or civil, compared with him in my judgment. He was a great man. He did a great service; he was a master genius in his line. These men were all associated with men of brains in other capacities. Young engineers from all over the country supported them in the work they were called upon to do. They overcame every obstacle that presented itself. The American people gave freely of the money requisite to accomplish this great task.

The construction of the Panama Canal was probably one of the greatest engineering projects of all the ages, and all honor is due to every man, from the most lowly to the most influential, for what he did in the construction of that great waterway. We have given to the world a splendid example of American engineering genius; and no honor that can be paid by the Congress to Col. Goethals, to Col. Gorgas, to Col. Sibert, and to the memory of Col. Gaillard can in anywise compare with the honor that they have earned by their work. There is no honor that we can give these men that is commensurate with the work they have done in the development of civilization and the development of the commerce of the world; and the mere passage of a law giving them the right of promotion is no compensation whatever for the work they have done; but the world will honor them whether we do or not, and the honor given to them by the world will be commensurate with the work which they have done. I am glad that even this honor is to be bestowed upon these men who have given unselfishly of their time, service, and their genius to demonstrate to the world that America makes men as well as merchandise. [Applause.]

Mr. MANN. Mr. Speaker, if the House will bear with me for a moment, I wish to say that the gentleman from Georgia [Mr. ADAMSON] and myself were from the start on the committee that had jurisdiction over legislation relating to the Panama Canal and were forced to be familiar with the conditions under which construction was started and carried on there.

It was discovered in course of time that it might not be easy, if possible at all, to accomplish this great work under the leadership of people taken from private life, outside of the Army and the Navy. One of the great engineers of the country, Mr. Wallace, resigned. Another great engineer of the country, Mr. Stevens, resigned. Another great railroad man and master of construction in the country, Mr. Shonts, resigned. How much credit they ought to be entitled to I shall not undertake to say at this time. But there came a time when the President determined to draw upon the resources of the Army and the Navy, where he could command men to take charge and keep them there. The Army and the Navy never had a higher compliment bestowed upon them than was then bestowed. [Applause.] The men who were assigned responded in a way to excite the admiration of the world. They took good men.

Out of the Navy they took a man who before that was not very well known, selected through some manner for his capabilities, and no one ever responded better to the trust reposed upon him than did Lieut. Commander Rousseau.

Among others taken from the Army—not at the beginning—to exercise jurisdiction over the purchase of supplies—a place requiring both intelligence and thorough honesty—they took Col. Hodges out of the Engineer Corps of the Army; and while he had always filled the bill perfectly as one of the engineers, he has not only excited our admiration but has shown the fact that it was possible to carry on and make all of these purchases without a question of honesty or a doubt of the honor of the country. [Applause.]

They are all entitled to more than we can give them with these few passing words and our tribute in the form of the bill that will be passed. [Applause.]

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VALIDATING LOCATION OF PHOSPHATE-ROCK DEPOSITS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States.

The title of the bill was read.

Mr. FOSTER. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

USE OF NATIONAL FORESTS FOR RECREATION PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17780) providing for the use of certain portions or spaces of ground within the national forests for recreation purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture may, upon such terms as he may deem proper and for periods not exceeding 20 years, permit responsible persons or associations to use and occupy suitable spaces or portions of ground in the national forests for the construction of summer homes, hotels, stores, or other structures needed for recreation or public convenience, not exceeding 5 acres in area to any one person or association.

Mr. RAKER. Mr. Speaker, I hope the gentleman from Oregon [Mr. HAWLEY] will let this bill go over to-day.

Mr. HAWLEY. Of course the gentleman can prevent its consideration, but I hope he will not object. The bill has the approval of the Forest Service.

Mr. RAKER. This is a matter pending before the Committee on Public Lands, and much consideration has been given it and a favorable report has been received from the department. Many consultations and visitations upon this subject have been had by members of the Committee on Public Lands with the Secretary of Agriculture. This matter can come up later. There is a serious question as to jurisdiction—a question over its going to the Committee on Agriculture—and to avoid any question I hope the gentleman will permit it to be passed over without prejudice.

Mr. HAWLEY. There can be no question as to the jurisdiction of the Committee on Agriculture in dealing with forest lands, or as to that of the Secretary of Agriculture in making leases on them, with proper authorization.

The SPEAKER pro tempore. Is there objection?

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I feel that a bill of this great importance, affecting 185,000,000 acres of the public domain, ought not to be passed here on the Unanimous Consent Calendar, and I join with the gentleman from California [Mr. RAKER] in feeling that the Committee on Agriculture has nothing to do with this bill. It is a public-land matter and affects the jurisdiction of the public domain; and it seems to me that if this bill is allowed to be passed, the Forest Service or the Department of Agriculture could go and lease all of the 185,000,000 acres of the forest reserves for 30 years or for 50 years, or simply withdraw the land from entry, and it would be a public calamity in retarding the development of the West.

Mr. HAWLEY. If the gentleman will permit, this bill follows the same line of authorization that is granted to the Secretary of the Interior in making leases of lands in the national parks, and the Secretary of the Interior never has gone, and nobody now contemplates he will go, to the extent suggested by the gentleman from Colorado [Mr. TAYLOR], and no one expects the Secretary of Agriculture to do as he intimates. Spaces of ground near natural wonders and beautiful scenes or in acceptable outing places in the national forests will be leased, so that hotels and small cottages can be built there for the accommodation of travelers or so that people who wish to visit them may have the opportunity to build a little cottage for their use and that of their friends in the summertime and leave in their cottage their summer furniture for subsequent use. I favor opening to homestead entry all agricultural lands in the national forests, but this bill deals with an entirely different matter.

Mr. RAKER. In other words, Mr. Speaker, I claim that this great territory should be thrown open to homestead entry and should not be restricted to natural curiosities. I hope the gentleman will allow it to be passed over.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I do.

Mr. MANN. Do I understand that the gentleman contends that the Committee on Public Lands has jurisdiction over a bill like this?

Mr. RAKER. Unquestionably.

Mr. MANN. Of course they do not have.

Mr. RAKER. I can say with as much assurance that it does, because it disposes of the title.

Mr. HAWLEY. It does not dispose of the title. It does not even touch the question of title. It simply allows the Secretary

of Agriculture to say to a man, "You can build a little cottage or a hotel on the land leased and hold it for 20 years or so long as you conform to the rules and regulations that are prescribed, and if you violate them your lease can be canceled."

Mr. TAYLOR of Colorado. That is all right so far as the public parks are concerned, but we are not willing to consider favorably the proposition that 185,000,000 acres of forest reserves should be used as public parks.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. MANN. Then I shall object to public-land bills hereafter.

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, was it the understanding that we passed over without prejudice the Senate bill 6106?

The SPEAKER pro tempore. Yes.

DISTRICT COURTS, NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16244) to amend section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill was read, as follows:

Be it enacted, etc., That section 98 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"Sec. 98. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnson, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Laurinburg on the last Mondays in March and September; at Elizabeth City on the second Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Raleigh on the fourth Monday after the fourth Mondays in April and October: *Provided*, That the cities of Washington and Laurinburg shall provide and furnish at their own expense a suitable and convenient place for holding the district court at Washington and Laurinburg until a courthouse shall be constructed by the United States.

"The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, at Washington, and at Laurinburg, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from North Carolina if it was the intention to abolish the western district of North Carolina?

Mr. PAGE of North Carolina. Why, no; it was not.

Mr. MANN. Is the gentleman aware that if this bill should pass in the form in which it now is it would abolish the western district of North Carolina? Pursuing the inquiry further, I should like to ask if it was the intention to abolish the holding of courts in the eastern district at Wilmington, Washington, and a few other places?

Mr. PAGE of North Carolina. Why, certainly it was not the intention to abolish either the western district of North Carolina or the holding of the courts at any place now designated by law.

Mr. MANN. This bill in its present form, if enacted into law, would abolish entirely the western district of North Carolina—that is, there would be no provision in law for it—and it would abolish the holding of court in the eastern district at Washington and Wilmington, and, I am not sure, what would happen at Laurinburg. I think it would provide for holding courts at two places by the same judge at the same time. Now, I suggest to the gentleman that he ask to have the bill go over, to give him opportunity to look this up.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

CHILOCCO INDIAN SCHOOL RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7025) to authorize the Atchison, Topeka &

Santa Fe Railway Co. to change its line of railroad through the Chillico Indian Reservation, State of Oklahoma.

The bill was read, as follows:

Be it enacted, etc., That the Atchison, Topeka & Santa Fe Railway Co. be, and is hereby, authorized to reconstruct its line of railroad through the Chillico Indian Reservation in the State of Oklahoma to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding 250 feet in width, subject to the approval of the Secretary of the Interior, and to the payment for the land so taken and occupied by such new right of way in accordance with the provisions of section 15 of the act of Congress approved February 28, 1902, entitled "An act to grant the right of way through the Oklahoma Territory and Indian Territory to the End & Anadarko Railway Co., and for other purposes."

With the following committee amendment:

Strike out all after the word "way," in line 1, page 2, and insert the following: "of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damage which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chillico Indian School."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. McGUIRE of Oklahoma. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I should like to ask the gentleman a question. Is this an Indian reservation?

Mr. McGUIRE of Oklahoma. It is a reservation set apart by specific act for a nonreservation Indian school, known as the Chillico School. It is a small reservation.

Mr. MANN. That is what I thought it was. I see it refers to it here as the Chillico Indian Reservation.

Mr. McGUIRE of Oklahoma. "Chillico School Reservation" would be more appropriate.

Mr. MANN. I do not think it is an Indian reservation in the technical sense of that term.

Mr. McGUIRE of Oklahoma. It has been specifically set apart for an Indian school.

Mr. MANN. We provided that that land should be for the benefit of that Indian school, as I recall it.

Mr. McGUIRE of Oklahoma. The gentleman is correct.

Mr. STEPHENS of Texas. I will state to the gentleman that it is used for that purpose.

Mr. MANN. Whoever drafted this bill called it the Chillico Indian Reservation. I suppose it would go at that, but it is not the correct title for it.

Mr. McGUIRE of Oklahoma. How would it do to amend it by inserting the word "school" before the word "reservation"?

Mr. MANN. That is all right.

Mr. McGUIRE of Oklahoma. I move that the word "school" be inserted after the word "Indian" in line 5, page 1.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 1, line 5, after the word "Indian" insert the word "school."

The amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, the title was amended to conform to the text of the bill.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

WASHINGTON NAVAL ORANGE ANNIVERSARY CELEBRATION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 302) authorizing and directing the President of the United States to invite foreign Governments to participate in the celebration of the fortieth anniversary of the founding of the Washington navel orange industry.

The joint resolution was read, as follows:

Resolved, etc., That the President be, and he is hereby, authorized and requested to extend invitations to other nations to send representatives to, and otherwise participate in, the celebration of the fortieth anniversary of the founding of the Washington navel orange industry to be held in Riverside, Cal., during the month of April, 1915: *Provided,* That no appropriation shall be granted by the United States for expenses of such representatives or for other expenses incurred in connection with said invitation.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. BORLAND. Who is in charge of this bill?

Mr. KETTNER. This is my bill.

Mr. BORLAND. I should like to ask the gentleman the nature of this celebration that is going to be held. Is this a State celebration or a local celebration?

Mr. KETTNER. It is a county celebration—or, I might rather say, a State celebration.

Mr. BORLAND. I notice the report says it was introduced by the Agricultural Department 40 years ago.

Mr. KETTNER. Forty years ago.

Mr. BORLAND. I recall the fact that we had no Agricultural Department 40 years ago, and I am not sure we had even a commissioner of agriculture 40 years ago.

Mr. KETTNER. I inquired at the Agricultural Department and was informed by Mr. Taylor, of that department, that the trees were sent here from Brazil 40 years ago.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. BORLAND. Will the gentleman yield?

Mr. MANN. I yield to the gentleman.

Mr. BORLAND. This is a county celebration, is it?

Mr. KETTNER. A State celebration.

Mr. BORLAND. I understood the gentleman to say it is to be a county celebration.

Mr. KETTNER. It is to be a State celebration.

Mr. BORLAND. Will the State of California participate in it?

Mr. KETTNER. I take it for granted that it will. The legislature has not met since the arrangements for the celebration were begun.

Mr. BORLAND. The State has not done so yet?

Mr. KETTNER. Not as a State; but the different organizations of the State have passed resolutions and are taking part. For instance:

Whereas it is proposed that a celebration of the fortieth anniversary of the establishment of the Washington navel-orange industry shall be held about the middle of April, 1915, at Riverside, Cal., where the industry had its birth and where the two parent trees from which all of the others have sprung were sent from the Department of Agriculture at Washington in 1874, and still are; and

Whereas in the neighborhood of \$200,000,000 are invested in this industry in this State alone, and it is of vital importance to the prosperity and happiness of our people; and

Whereas it is proposed that this celebration shall be State wide and more in its scope and participation; and

Whereas we believe that it can not fail to be of the greatest benefit to the industry and to the State of California, especially through the International Citrus Congress, proposed to be held in connection therewith: Now, therefore, be it

Resolved, That we, supervisors of the different counties of the State of California, being assembled in annual convention at Merced, May 19, 20, and 21, 1914, do hereby indorse the holding of said proposed celebration at Riverside at the time mentioned, and do promise to encourage the same and assist therein to the full extent of our abilities.

Mr. BORLAND. Is the National Government going to participate in it?

Mr. KETTNER. I do not know.

Mr. BORLAND. Has the National Government made any arrangements to do so?

Mr. KETTNER. Not that I know of. The scope of the celebration is shown by the following resolutions and list of committees:

RIVERSIDE CHAMBER OF COMMERCE, Riverside, Cal., June 11, 1914.

Whereas the United States Department of Agriculture at Washington sent the two parent Washington navel orange trees to Riverside, Cal.; and

Whereas the great Washington navel-orange industry in California and in other parts of the United States and of the world has been founded by these two trees; and

Whereas the connection of the Government at Washington is so direct with the founding of this great industry, in which over \$200,000,000 are invested in the State of California alone; and

Whereas it is proposed that there shall be held at Riverside, Cal., about the middle of April, 1915, a celebration of the fortieth anniversary of the founding of the Washington navel-orange industry; and

Whereas the importance of this industry warrants that the celebration should be international in its scope and participation; and

Whereas it is proposed that the feature of this celebration shall be an international citrus congress and that the proceedings of and papers presented at this congress shall be published in book form: Now, therefore, be it

Resolved by the Riverside Chamber of Commerce, That the Government of the United States be asked, through act of Congress or otherwise, to recognize said celebration and congress as international and to participate therein through its proper officials and to invite the governments of other citrus-growing countries to send representatives thereto.

RIVERSIDE CHAMBER OF COMMERCE COMMITTEES FOR THE CELEBRATION OF THE FORTIETH ANNIVERSARY OF THE FOUNDING OF THE WASHINGTON NAVAL ORANGE INDUSTRY TO BE HELD AT RIVERSIDE ABOUT THE MIDDLE OF APRIL, 1915.

General committee: Robert Lee Bettner (chairman), H. F. Grout, H. R. Greene, J. R. Gabbert, F. A. Miller, E. P. Clarke, S. C. Evans, W. G. Fraser, L. V. W. Brown, H. B. Chase, E. S. Moulton, B. K. Marvin, Fred M. Reed, G. Rouse, L. C. Waite, and L. B. Dixon.

Government cooperation: F. M. Conser, G. D. Cunningham, Harwood Hall, Hon. William Kettner, L. B. Scott, Hon. John D. Works.

State cooperation: Hon. John N. Anderson, W. A. Avey, Hon. W. H. Ellis.
 County cooperation: Karl S. Carlton, Hon. F. E. Densmore, A. B. Plich.
 City cooperation: Mayor Oscar Ford, H. C. Cree, H. F. Grout.
 Bank cooperation: A. A. Adair, S. H. Herrick, E. S. Moulton.
 Church cooperation: Rev. M. C. Dotten, Rev. Florian Hahn, Rev. G. F. Holt, Rev. R. W. Mottern, Rev. Horace Porter.
 Citrus growers' cooperation: C. C. Arnold, John L. Bishop, R. E. Burnham, E. A. Chase, W. G. Fraser, H. R. Greene, A. H. Holden, O. K. Kelsey, B. K. Marvin, J. H. Wright.
 Commercial cooperation: F. A. Gardner (chairman), C. L. Reynolds, O. P. Sanders.
 Legal cooperation: H. L. Carnahan, H. H. Craig, W. G. Irving, A. H. Winder.
 Medical cooperation: Dr. H. A. Atwood, Dr. J. H. Holland, Dr. W. W. Roblee.
 Pioneer cooperation: James Boyd, M. Estudillo, P. T. Evans, A. J. Twogood, L. C. Waite.
 Realty cooperation: Joseph F. Wagner, T. F. Flaherty, F. C. Hamlin.
 School cooperation: Raymond Cree, A. N. Wheelock.
 Women's clubs cooperation: Mrs. L. F. Darling, Mrs. Martha Dudley, Mrs. K. D. Harger, Mrs. W. G. Irving.
 Finance: L. V. W. Brown, H. A. Hammond, C. W. Hickok, C. M. Loring, F. A. Miller, J. C. Odell, John T. Redman, J. A. Simms, A. N. Sweet, Dr. C. Van Zwalenburg.
 Invitation and publicity: E. P. Clarke, H. C. Cree, S. C. Evans, J. R. Gabbert, A. D. Shamel, W. W. Van Pelt.
 International Congress: Fred M. Reed, A. D. Shamel, D. D. Sharp, H. J. Webber, Levi P. Chubbuck.
 Decoration and pageant: Mrs. R. L. Bettner, P. S. Castleman, F. M. Conser, L. B. Dixon, Mrs. P. T. Evans, W. T. Henderson, D. V. Hutchings, Mrs. C. E. Pomeroy, Charles G. Rouse, A. N. Wheelock.
 Memorial: J. F. Daniels, George Frost, C. S. Pomeroy, J. H. Reed.
 G. Rouse, Dr. V. A. Argollo-Ferraz, of Bahia, Brazil.
 Exhibit committee: J. G. Bayley, Adam Hewitson, H. M. May, F. A. Little, J. A. Urquhart.
 Entertainment committee: D. A. Chappell, W. R. Clancy, H. L. Graham, C. L. Nye, C. L. Reynolds, Mrs. Alice Richardson, F. A. Tetley.
 Transportation committee: J. H. Bauman, J. H. Burtner, J. R. Downs.

Mr. BORLAND. What reason have we to believe that any foreign Governments will take part in the celebration?

Mr. KETTNER. Because Brazil has signified her intention of taking part.

Mr. BORLAND. I have no objection to a formal invitation being extended by the President to any sort of a celebration, but it seems to me that it will involve the Government in some expense.

Mr. KETTNER. Does not the gentleman think that the Government is somewhat interested in a celebration of this kind?

Mr. BORLAND. Yes; but so is the Government interested in the first wheat planted in the Mississippi Valley, and a thousand other things, but I do not know that it needs to celebrate them.

Mr. KETTNER. That is very true. But we have had celebrations here. Only a short time ago we had a corn celebration in Kansas and a cotton celebration in Texas.

Mr. BORLAND. But they did not take on an international aspect, did they? Was it an international celebration in Kansas?

Mr. KETTNER. I think it was.

Mr. BORLAND. Is the gentleman certain that there is not going to be an appropriation involved in this?

Mr. KETTNER. There is no appropriation in this bill.

Mr. BORLAND. Is there an appropriation anywhere along the line in this proposition?

Mr. KETTNER. I have not taken any part in a proposition for an appropriation.

Mr. BORLAND. Is an appropriation contemplated for the purposes of this celebration?

Mr. KETTNER. I do not know; if the people of California should ask me to get an appropriation, I presume I should try to get one.

Mr. MANN. Will the gentleman yield for a question?

Mr. KETTNER. With pleasure.

Mr. MANN. As I understand, it is expected to have a celebration in California in respect to the development of the navel orange.

Mr. KETTNER. The gentleman is correct.

Mr. MANN. Is it the intention to get naval vessels from the various nations of the world to come there, and does the gentleman think that he would get any naval vessels except from Switzerland or Uruguay?

Mr. KETTNER. We hope to have naval vessels close to this celebration. I hope to see the naval vessels at San Diego during the Panama-California Exposition.

Mr. MANN. Considering the fact that we appropriated a million dollars this morning to loan temporarily to foreign Governments, to take care of their representatives here and elsewhere, does the gentleman think it would be seemly on the same day to extend an invitation to foreign Governments to send representatives here at their own expense?

Mr. KETTNER. Mr. Speaker, I believe this is the usual custom.

Mr. MANN. Oh, no; not the usual custom, although it has prevailed here for a few weeks. Does the gentleman think it is desirable to extend invitations to foreign Governments to send representatives to a fair or exposition here, and pay the expenses therefor, on the very day when we pass an appropriation of a million dollars to take care of these men that they now have here?

Mr. KETTNER. This invitation refers specifically to Brazil, although the committee has been given to understand that Italy would also take part.

Mr. RAKER. Will the gentleman yield for a question?

Mr. KETTNER. Certainly.

Mr. RAKER. Is it not a fact that we are making treaties with South American Republics, and that there are some 25 or 30 that we would like to have come to this exposition and others? To be sure, there is a little misunderstanding between two or three of the foreign powers, but that ought not to keep the balance of them away from an exhibition of this kind.

Mr. MANN. If the President is authorized to do this, if he extends invitations to other nations he certainly would not send one to Uruguay and miss England; he would not send one to Paraguay and miss Germany; he would not send one to Bolivia and miss France.

Mr. RAKER. The gentleman recognizes the fact that there are times when nations, like individuals, are sick, but there are only a few of the nations sick at the present time.

Mr. MANN. I never would consider it desirable if one of my neighbors had sickness in his family to invite them to come and take dinner with me and bring their own dinner. That does not seem courteous.

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. Reserving the right to object, I would like to ask one gentleman from California, particularly the gentleman from California, Mr. RAKER, if he thinks the passage of this bill would serve to increase the entente between the United States and Japan?

Mr. RAKER. Japan is not interested in this particular matter, but if she wants to come it will be very nice.

Mr. MOORE. We have grown the navel orange, and we have succeeded in showing that it thrives in California. Now it is proposed to celebrate that event and have the Secretary of State send formal invitations to the nations of the earth, including Japan. Does the gentleman think it would be wise at this time, in view of his well-known views on this matter, to invite Japan?

Mr. RAKER. Answering the gentleman, I believe there are important differences between nations as well as between individuals, but every nation ought to be interested in this celebration, so that they might learn how to develop and raise navel oranges and all kinds of fruit such as grow in southern California, turning into a perfect paradise what a few years ago was a desert and cactus waste.

Mr. MOORE. Mr. Speaker, inasmuch as the Japanese Empire taught the United States silk culture, I suppose the gentleman thinks it would be proper for the United States to teach Japan how to raise navel oranges.

Mr. RAKER. Her representatives might come here and get benefit from it, and it would be right and proper. It would be eminently proper.

Mr. MOORE. Does the gentleman think that at this particular stage of the world's affairs the State Department, completely occupied in trying to bring back 30,000 Americans stranded abroad, ought to stop and engross invitations to foreign nations to come here and attend a celebration of the growth of navel oranges?

Mr. RAKER. Yes; there are only a few nations in trouble. There are 50 or 60 nations that are not in trouble. Let them come and let them get the benefit of a knowledge of what southern California has done for the advance of agriculture in this world.

Mr. MOORE. Down with war and up with agriculture and the raising of navel oranges! I want to ask the gentleman from California [Mr. KETTNER] whether he thinks this is the time for the United States to stop its great work of alleviating the suffering and distress of Americans abroad and of undertaking to reach them, through our embassies in foreign countries, and take up the question of inviting foreign nations to an exposition to celebrate the development of navel oranges in California?

Mr. KETTNER. Mr. Speaker, in answer to the gentleman from Pennsylvania [Mr. Moore], in my opinion the bill will not pass the Senate until the next session of Congress, but I thought we could get it through the House and have it on the calendar.

Mr. MOORE. I realize the gentleman has made a great fight for it in the House.

Mr. MANN. Mr. Speaker, as we are talking about the celebration of navel oranges and other naval affairs, I see our distinguished colleague from Alabama [Mr. HOBSON], who is an authority upon all naval matters and I think he ought to give us his opinion in reference to the celebration of this navel event.

Mr. HOBSON. Mr. Speaker, I hope that the earnest consideration which the gentleman from Illinois [Mr. MANN] and others are now giving to the question of navel oranges will brighten their intellects and cause them in the future to give more earnest consideration of the question of naval affairs and permit us possibly to take some action next winter that it might have been well for us to have taken many years ago bearing on naval matters.

Mr. MANN. May I ask the gentleman from California a question? What money has been set aside and by what authorities, if any, out there, to take care of the delegates from foreign countries who might come here if this invitation should be extended?

Mr. KETTNER. Mr. Speaker, I simply understand that the committee has made full arrangements.

Mr. MANN. I will say to the gentleman from California that it seems to me where Congress asks the President to extend an invitation to foreign countries to send representatives here, we ought to be either prepared to take care of them, so far as entertainment is necessary, by appropriations out of the Federal Treasury or else know in advance that somebody else is prepared to take care of them with money raised, because we can not be placed in the position of inviting guests to this country and when they come having them look out for themselves.

Mr. KETTNER. Mr. Speaker, I would ask the gentleman from Illinois whether he has ever been in California?

Mr. MANN. I have had that honor.

Mr. KETTNER. Did they take care of the gentleman while he was there?

Mr. MANN. They did not. I took care of myself.

Mr. KETTNER. They always take care of visitors when they are specially invited guests. California is noted for its hospitality.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, under the circumstances I shall have to object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KETTNER. Mr. Speaker, the resolution now before the House invites the nations of the world to send representatives to Riverside, Cal., during the month of April, 1915, to participate in the celebration of the fortieth anniversary of the introduction of the navel orange into California.

The unique event will form one of the most interesting features of next year's attractions on the Pacific coast, and will, indeed, in significance, interest, and appropriateness be a worthy companion to the International Exposition at San Francisco and the Panama California Exposition at San Diego.

Some of the main features of the celebration at Riverside will consist of an international congress of citrus growers and experts, a memorial to the citrus industry, and a pageant representative of the history and development of the Washington navel orange, beginning with the desert in its natural and severe aspect, continuing on through the pioneering period, and finally culminating in the splendid and matchless industry of to-day.

Riverside is essentially the place for the holding of this celebration, not only because it marks the spot where the first navel orange trees were brought to a productive perfection in North America but also because it has enkindled an abiding interest in the romantic features of early California history, and to that end has accomplished much toward the perpetuating of the old mission type of architecture. The older members of the Public Buildings Committee may perhaps remember that Riverside wished its public building intended for the housing of the United States post office to be of this style in order to conform to the beauty plan of the city, and Mr. Taft, then President of the United States, said of this idea:

I fully sympathize with the people of Riverside in desiring their Government building constructed on the mission plan. If we have any past of a historical character, we ought not to destroy it, and California is one of the few States that reaches back far enough into the past to have memorials to which you can make the present architecture accord.

I have discussed this matter very thoroughly with Mr. Taylor, in the Agricultural Department, and through his kindness

I am able to submit the following interesting history of the navel orange:

The essential facts regarding the introduction of the navel orange to the United States from Brazil appear to be as follows:

According to the late James Hogg, of New York, a wealthy Brazilian planter, a Scotchman by birth, determined to manumit his slaves and remove with them to the United States. This he did about 1838, settling on an island in middle or southern Florida. He then returned to Brazil and secured a collection of Brazilian plants for introduction, which he consigned to the late Thomas Hogg, who then conducted a nursery at the corner of Broadway and Twenty-third Street, New York City. Among these plants were several navel orange trees. The collection was held in the greenhouse in New York for nearly a year, until the plants had recovered from the effects of the sea voyage, and was then forwarded to the owner in Florida. During the Seminole War the entire collection was destroyed by United States troops, the owner being charged with giving aid and comfort to the enemy. The owner then removed to Haiti.

While it is not positively known that these trees were of the same variety as that subsequently introduced by the department, it seems probable that this was the case. None of the trees survived long enough to come into fruit, however, and no trace of them now exists. The facts regarding this early introduction of the navel orange do not appear to have been generally known until 1888, when the above statement was published by Mr. Hogg.

During the year 1868 Mr. William Saunders, the horticulturist landscape gardener, and superintendent of gardens and grounds of the United States Department of Agriculture, learned through a correspondent then in Bahia, Brazil, that the oranges were of a superior character to any known in the United States. The department accordingly ordered a small shipment of trees. The first lot were found dead upon arrival. By sending minute directions as to budding, packing, and shipping, 12 small trees in fairly good condition were finally received by the department in 1870. These were planted in one of the greenhouses and propagated from by budding on small orange stocks. The young trees thus propagated were distributed to orange growers in Florida and California, under the name "Bahia," for testing. In 1873 two of these young trees propagated from those originally imported from Brazil were sent to Mrs. L. C. Tibbets, Riverside, Cal., upon the request of Gen. B. F. Butler, then a Member of Congress from Massachusetts. When these came into bearing the superiority of their fruit to that of the other varieties then grown in California was quickly recognized, and the trees on Mrs. Tibbets's place were largely propagated from by California nurserymen. One of these renamed the variety "Riverside Navel," and claimed to have imported the trees from Brazil himself. Later, at a conference of orange growers held in Los Angeles, Cal., the name "Washington Navel" was adopted for the variety. In recognition of the fact of its introduction by the Department of Agriculture, and it is very generally grown at present under that name. The American Pomological Society still adheres to the name "Bahia," under which Mr. Saunders introduced it, and recognizes the names "Riverside Navel" and "Washington Navel" as synonyms. It is now the most extensively grown variety in California.

The Washington Navel was widely planted in southern California, the State acquired a world-wide reputation for its citrus fruits, and a new era in orange culture began.

The two trees sent to California by the Department of Agriculture are objects of historic interest in the city of Riverside at the present time. One of the trees was transplanted by the city from the Tibbets place in 1903 and stands in a thrifty condition at the head of Magnolia Avenue; the other tree was transplanted in May, 1903, with the assistance of Mr. Roosevelt, then President, to the court of the Glenwood Mission Inn, which adds the last touch of romance to that charming place of which M. L. Elliott has written:

A flash of genius caught the grace and charm
Of those enchanting stories of the past,
And wrought them in the Glenwood of to-day,
Which stands a living picture, clear and warm,
Of that far time, and on its walls are cast
The splendors of an age long past away.

The citrus industry of California, in all its ramifications, represents an investment of \$500,000,000; and of this magnificent amount that devoted to the growing of oranges alone, not taking into account any investment occasioned because of packing or transportation facilities, will exceed \$150,000,000. Ten thousand farmers are industriously engaged in the culture of the fruit; 20,000 laborers are employed directly in the industry, and over 125,000 people are dependent upon it directly and indirectly for a livelihood. These figures refer only to California and her orange industry. If to them we add the thousands employed in other States in order that proper and adequate transportation, refrigeration, and selling agencies may be provided, the numbers given as being dependent upon the industry for a livelihood will be multiplied manyfold.

The output for the year 1912 was 34,712 carloads. About three-fourths of the oranges grown are of the Washington Navel variety, the remainder comprising the Valencia as the most important variety, with fewer of the St. Michael, Mediterranean Sweet, Thompson, Ruby, Maltese Blood, Jaffa, seedlings, and tangarines.

Under these conditions it is but proper and right that the United States should invite, not alone Brazil, where the original trees were obtained, but also the other South American countries and citrus-growing nations, that they may have a part in the appropriate celebration of the fortieth anniversary of this great industry.

• LANDS CONTAINING KAOLIN, ETC., IN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands, shall be open to exploration and purchase and be disposed of under the general provisions of the mining laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits, the disposal of which is herein provided for, shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

The SPEAKER pro tempore. Is there objection?

Mr. HAWLEY. Mr. Speaker, reserving the right to object. I would like to ask the gentleman in charge of the bill if the suggestion of the Acting Secretary of the Interior to the chairman of the Senate Committee that the Senate bill as submitted to them should all be stricken out, and the suggestions of the Secretary be incorporated in place of it was complied with?

Mr. TAYLOR of Colorado. I think so.

Mr. BURKE of South Dakota. Yes; literally.

Mr. TAYLOR of Colorado. I have the original bill here.

Mr. HAWLEY. I would like to know certainly.

Mr. BURKE of South Dakota. Mr. Speaker, I would say that I am familiar with the bill and it is the bill suggested by the Interior Department.

Mr. HAWLEY. How much land will be affected by this bill?

Mr. BURKE of South Dakota. Very small areas, I will say to the gentleman, and it applies only to lands formerly in Indian reservations and now open to settlement.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, did the committee take into consideration the objection which the Secretary of the Interior made to the bill?

Mr. TAYLOR of Colorado. Yes. My recollection is that we did; and we reported the bill the way it came from the Senate, and I understood the Senate committee complied with all of the recommendations of the Secretary of the Interior.

Mr. MANN. Oh, that is not the case.

Mr. BURKE of South Dakota. Let me say to the gentleman from Illinois that originally there was a bill introduced applying only to the Rosebud Indian Reservation, in the State of South Dakota. Subsequently it was reintroduced making it general. That bill was referred to the department, and my understanding is that the department proposed a substitute, which was reported by the Public Lands Committee of the Senate, and it passed the Senate in the exact form that it was reported to the House.

Mr. MANN. That may be; but I quote from the letter of the Secretary, or the Acting Secretary, which is only an illustration:

Generally speaking, I favor the opening of these mineral deposits to disposition under proper conditions, and believe that existing laws are not well adapted to certain classes of minerals, and that limitations designed to prevent monopoly should be imposed upon others. Kaolin, kaolinite, and fuller's earth are specifically mentioned in the bill, and presumably deposits of those minerals are known to exist within some of the former Indian reservations.

There is nothing of that in the bill at all.

Mr. BURKE of South Dakota. It is limited, I will say to the gentleman, so that a person, association, or corporation can acquire only 160 acres.

Mr. MANN. That may all be; but that is one person. Has the gentleman any knowledge in reference to kaolin and kaolin deposits? The gentleman knows that a deposit of kaolin, kaolinite, or fuller's earth is very valuable.

Mr. BURKE of South Dakota. I understand it is valued at from eight to ten dollars a ton. I do not think it can be considered very valuable.

Mr. MANN. Eight to ten dollars a ton, covering 160 acres, if it be very deep, is of considerable value. It comes in pockets.

Mr. BURKE of South Dakota. There are no such deposits as tracts of 160 acres containing this deposit, and I presume it only exists in pockets or very small areas.

Mr. MANN. I hoped at one time that I would find some of this on property that I have in Florida, but it happened to be

upon my neighbor's land, and is very valuable. They ship it from there to New Jersey and make pottery of it and porcelain, and send it to us.

Mr. TAYLOR of Colorado. My recollection is that it was shown to the committee that there was only a very little of this kind of territory that the law would apply to—only to such parts of Indian reservations as heretofore have been opened to settlement and entry under laws which do not authorize the disposal of such minerals.

Mr. MANN. I expect there are only a few places where they will find it, but when they find it it is very valuable. Under this bill the man who finds it gets it for nothing. A pocket of it is very valuable.

Mr. TAYLOR of Colorado. He just pays the same as he would for a placer claim or a lode claim or a coal claim, as the case may be.

Mr. BURKE of South Dakota. Or for coal lands, which is more than would be paid under the placer laws.

Mr. MANN. Well, we have reserved coal lands and intend to pass a bill in reference to the leasing of them. Now, there is a bill on the calendar covering a lot of deposits in land, on the calendar where it is the next regular order as soon as we proceed with that business. Why should not this class of minerals be included in that bill?

Mr. TAYLOR of Colorado. My impression is that it was not deemed advisable to put these substances into a general bill, because they were looked upon as of not so much importance, there being a very small amount in a deposit that is of sufficient purity to make them very valuable, and therefore they can not be put on the same basis as coal or oil or gas.

Mr. MANN. But coal is not worth \$9 a ton.

Mr. TAYLOR of Colorado. Oh, well, I know—

Mr. MANN. In reference to coal you have to go and dig deep in the ground to get the coal, and you sell the coal on the ground at \$1 a ton, whereas you dig for this on the surface of the earth and charge from \$5 to \$10 a ton.

Mr. BURKE of South Dakota. Let me suggest to the gentleman from Illinois something which I do not think he appreciates. This bill is only to apply to lands that have been open to settlement formerly in Indian reservations. It does not apply to lands within Indian reservations. Every act that has been passed in recent years proposing to dispose of surplus lands in Indian reservations contains a provision that after four years, or seven years in some instances, all of the undisposed-of lands shall be sold regardless of homestead entries or regardless of any condition whatsoever, except, I believe, in some cases the area is limited to 640 acres to any one purchaser, so this bill can only apply to a very limited territory, and I will say further to the gentleman that so far as my State is concerned it would probably only apply to that portion of what was formerly a part of the Rosebud Indian Reservation, now known as Tripp County, which was open to settlement some years ago. It is thought that possibly 160 or 320 acres in that county may contain this mineral. Whatever there is I understand has been filed upon under the homestead law.

If there is any mineral there in any paying quantity, the homestead entries can not be proved up or perfected. Every acre of the land that was opened to settlement under the provision of the law that had not been filed upon about a year ago was disposed of to the highest bidder for cash, and if the land supposed to contain this mineral had not been covered by homestead entries it would have been sold also. This is the extent it applies in my State. The report of the Acting Secretary says there is some of this clay or mineral near Custer, S. Dak., but if there is, this bill would not affect it, as the land about there is not land formerly in an Indian reservation. Whether it will apply in other States, I do not know.

Mr. TAYLOR of Colorado. I will say it does not apply to my State at all. We have no Indian reservations that this bill would apply to. I merely reported the bill for the committee.

Mr. BURKE of South Dakota. This report states that there are some deposits of kaolin in Florida, Georgia, Arkansas, and Texas, and it is thought in South Dakota, near Custer, as I have already stated. There are no lands in the other States mentioned that were ever in Indian reservations; so it would not apply to those States.

Mr. MANN. Well, I do not know, of course. I have seen them get out this mineral in Florida, and a piece of land containing one of these deposits in Florida is considered of very considerable value. There are not any of these deposits now worked anywhere in the North or in the West as I recall. Now, there are supposed to be deposits in Custer, S. Dak. No one knows just what is there; it may be of very great value. Under the terms of this bill some one man will get it all. How much it is worth I do not know, probably not over \$100,000.

Mr. BURKE of South Dakota. Well, it is not doing anybody any good, I will say to the gentleman, at present.

Mr. MANN. That is true.

Mr. BURKE of South Dakota. And if land which has these deposits is public land it is subject to the placer-mining laws.

Mr. DONOVAN. Mr. Speaker, regular order!

The SPEAKER pro tempore (Mr. ADAMSON). The regular order is, Is there objection?

Mr. MANN. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill remain on the calendar and be passed without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

HOT SPRINGS, NEW MEXICO.

Mr. FERGUSSON. Mr. Speaker, I take this occasion to ask unanimous consent that the bill in reference to the hot springs in my State, H. R. 12050, may be restored to the calendar without prejudice, and I will state for the benefit of those gentlemen interested that I do that with the consent of the gentleman from Kentucky [Mr. SHERLEY] who made the final objection.

Mr. MANN. What is the bill?

Mr. FERGUSSON. It is H. R. 12050.

Mr. MANN. Does that meet with the approval of the gentleman from Kentucky?

Mr. FERGUSSON. Yes; I consulted with him, and he has consented to my making this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico? [After a pause.] The Chair hears none.

CELEBRATION OF THE FOUNDATION OF THE WASHINGTON NAVAL-ORANGE INDUSTRY.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that House joint resolution 302 be passed without prejudice.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to pass without prejudice House joint resolution 302. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

POST-OFFICE BUILDING AT WALTHAM, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13489) increasing the limit of cost for the purchase of a site and the construction thereon of a post-office building at Waltham, Mass.

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

ORGANIZATION OF THE REGULAR ARMY.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 146, to authorize the President to raise the organization of the Regular Army on certain occasions to prescribed statutory maximum strength.

The Clerk read the joint resolution, as follows:

Resolved, etc., That in time of war or when war is imminent, or on other occasions of grave national emergency requiring the use of the Regular Army of the United States, the President be authorized, in his discretion, to raise the organization of the Regular Army to the prescribed statutory maximum strength for the period of the war or until the imminence of war or other grave national emergency shall have passed, and that for this purpose the restriction of law limiting the total enlisted force of the line of the Army to 100,000 shall be suspended.

The committee amendments were read, as follows:

Page 1, lines 3, 4, and 5, strike out the words "or on other occasions of grave national emergency requiring the use of the Regular Army of the United States."

Page 1, line 7, strike out the word "organization" and insert the word "organizations."

Page 1, line 7, strike out the word "the" at the end of the line and insert the word "their."

Page 1, lines 9 and 10, strike out the words "or other grave national emergency."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker.

Mr. HAY. Does the gentleman from Illinois desire me to explain the resolution?

Mr. MANN. Of course I know what the resolution is. I suppose the resolution was put in for the purpose of meeting a possible emergency connected with events that are possibly passed. I doubt whether it is desirable to pass it now.

Mr. HAY. I think it was put in when that emergency was pending, but at the same time I think it is a good thing to pass it. The object of the resolution, of course, is this: Under the law as it is now the organizations of the Regular Army—the Infantry, the Cavalry, the Artillery, and the Engineers—can

not be raised to their full strength with an authorization of only 100,000 men.

Mr. MANN. I understand.

Mr. HAY. Now, this bill would only be in operation in time of war or when war was imminent. The gentleman will observe that the House committee has amended the resolution so as to strike out the vague words "national emergencies," which do not mean anything. I think it would be well to have on the statute books at all times a provision which will authorize the President to increase the Army so that when a regiment went into a war it could go in with full strength. It will not cost anything, and it might just as well be on the statute books now, while there is no emergency.

Mr. MANN. If the gentleman will pardon me, I agree with every word that the gentleman says. I think the bill may be technically correct, although it only authorizes the increase until the war or imminence of war has passed. Of course the men are already enlisted and can not be let out any faster than their enlistments expire. The gentleman assumes that the number retired will be sufficient to reduce them?

Mr. HAY. Yes; they are retiring every day.

Mr. MANN. It may be done in a little while. But my main concern now is to keep this country out of trouble abroad. The one thing that I think we are in danger of is of getting into the squabble that is now taking place on the other side of the water. If we pass a bill now to increase the size of the Army—a bill which has no relation whatever to the situation in Europe and which was brought in for another specific purpose, and which probably ought to be on the statute books all the time—it is likely to be said all over the world, "The United States is mobilizing her Army." I do not propose that it shall be said by unanimous consent at this time.

Mr. HAY. I agree with the gentleman entirely if any such construction as that could be placed upon the action of the House in passing this bill at this time, a bill which was passed three or four months ago by the Senate. I would agree with the gentleman entirely about it in that case. And if the gentleman thinks, or anybody here thinks, that such a construction would be placed upon it I shall object to it myself.

Mr. MANN. I do not see how you can help having such a construction placed upon it. It is not a question of what the Senate did. It is a question of what Congress does now.

Mr. HAY. Then, Mr. Speaker, in view of what has been said, I object to the consideration of the bill.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. HAY] objects, and the bill will be stricken from the calendar. The Clerk will report the next one.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia.

The bill was read.

The SPEAKER pro tempore [Mr. HAY]. Is there objection?

Mr. DONOVAN rose.

Mr. Sisson. Mr. Speaker, I reserve the right to object.

Mr. DONOVAN. I was going to ask, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. DONOVAN] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

UNCOMPAHGRE NATIONAL FOREST IN COLORADO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado.

The title of the bill was read.

Mr. MANN. I ask unanimous consent that the Clerk read the substitute instead of the original bill.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the Clerk read the substitute instead of the original bill. Is there objection?

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the following-described surveyed lands: Northwest quarter of section 6, in township 46 north, range 4 west; sections 4 to 11, inclusive, and sections 14 to 18, inclusive; northeast quarter section 19; northeast quarter section 21; sections 22, 23, 26, and 27; southwest quarter section 31; southeast quarter section 33; sections 34 to 35, inclusive; all in township 47 north, range 4 west;

"Sections 1 to 4, inclusive; east half section 8 to east half section 17, inclusive; sections 22 to 27, inclusive; sections 34 to 36, inclusive; all in township 47 north, range 5 west;

"Sections 5 to 20, inclusive; west half section 21; west half section 28; sections 29 to 32, inclusive; west half section 33; sections 17 to 20, inclusive; all in township 47 north, range 6 west;

"Sections 1 to 4, inclusive; sections 9 to 16, inclusive; sections 21 to 28, inclusive; section 33; the north halves of sections 34, 35, and 36; all in township 47 north, range 7 west;

"Sections 31 to 33, inclusive, in township 48 north, range 4 west;

"Sections 33 to 36, inclusive, in township 48 north, range 5 west;

"Sections 17 to 20, inclusive; sections 29 to 32, inclusive; all in township 48 north, range 6 west;

"And certain lands now unsurveyed, but which when surveyed will probably be the following-described lands, to wit:

"Sections 2 to 5, inclusive; northeast quarter and south half section 6; sections 7 to 11, inclusive, in township 46 north, range 4 west;

"Sections 1 to 6, inclusive, in township 46 north, range 5 west;

"Sections 1 to 5, inclusive; and sections 10 to 12, inclusive; in township 46 north, range 6 west;

"Northeast quarter and south half section 19; section 20; northwest quarter and south half section 21; sections 28, 29, 30; north half and southeast quarter section 31; section 32; north half and southwest quarter section 33; all in township 47 north, range 4 west;

"Sections 20, 21, and sections 28 to 33, inclusive; all in township 47 north, range 5 west;

"East half section 21 to east half section 28; east half section 33 to section 36, inclusive; township 47 north, range 6 west;

"The south halves of sections 34, 35, and 36, in township 47 north, range 7 west;

"Sections 3, 4, 9, 10, 13 to 16, inclusive; 21 to 28, inclusive; and 33 to 36, inclusive; in township 48 north, range 7 west;

"Sections 34 and 35 in township 49 north, range 7 west.

New Mexico meridian, in Montrose, Ouray, and Gunnison Counties, Colorado, and the same are hereby reserved and withdrawn from entry and made a part of and included in the Uncompahgre National Forest, subject to prior valid adverse rights."

The SPEAKER pro tempore. Is there objection?

Mr. HAWLEY. Mr. Speaker, reserving the right to object, what is the present status of the lands intended to be transferred into the national forest?

Mr. TAYLOR of Colorado. Those lands are now outside. They are open public domain. They are what are called grazing and other mountainous lands. A good deal of the land has some timber on it. I think the timber is not very valuable. If the gentleman will examine the report, he will see that it is very full.

Mr. HAWLEY. Is there any agricultural land in the body?

Mr. TAYLOR of Colorado. No. At least, very little, I understand.

Mr. HAWLEY. Are there any existing claims at all on the land?

Mr. TAYLOR of Colorado. No. If there are any, they are excepted from the provisions of the bill, anyhow. I may say that Colorado is one of the six States of the Union in which it is provided by law that the President can not add to any forest reserve. No land can now be put into a forest reserve in Colorado by Executive order. The only way it can be done is by an act of Congress. Now, the Forest Service people have examined this land very exhaustively. I took this matter up some four years ago. At that time a large number of citizens, mostly small cattlemen, had had a great deal of trouble with some nomadic herds of sheep that had come in, principally from Utah and Arizona, and they applied to me to have this land put in the forest reserve to protect their range. A number of prominent citizens and officials asked for this action.

I submitted the matter to the Forest Service, and that office had an investigation made, and they reported that a large part of the land that the people wanted put into this Uncompahgre National Forest was not forest land, and they objected to putting it in. So I reported that to the people out there, and they afterwards agreed to accept the land which the Forest Service said was proper to put into the forest reserve. This bill applies only to the land that the Forest Service itself reports as being suitable to go into the forest reserve. Here is the report of the Acting Secretary of Agriculture to that effect. Then, after that the city of Montrose joined in the request to have this land put in the forest reserve, so as to protect the sources of water supply for the city from pollution.

Mr. HAWLEY. Mr. Speaker, until I can be more certainly assured that there are no lands—

Mr. MANN. If the gentleman from Oregon will yield to me, reserving the right to object, is it the city of Montrose or the city of Gunnison that is interested in this?

Mr. TAYLOR of Colorado. The city of Montrose. Part of its water supply comes from up in Gunnison County.

Mr. MANN. I notice that the Secretary of Agriculture refers to the town of Gunnison as wanting it. I did not know whether the department knew where the land was or not.

Mr. TAYLOR of Colorado. That is a mistake. It should be the city of Montrose.

Mr. MANN. I understood the gentleman to say that there were no agricultural lands in this tract.

Mr. TAYLOR of Colorado. No; I did not intend that. The gentleman from Oregon asked me if there are any existing claims on this land. By existing claims is meant unpatented claims, and I said that whatever claims there may be are reserved and excepted from the operation of this law. I intended, by adopting the recommendation of the Secretary of the Interior, to eliminate all of the patented lands from the reserve, anyhow.

Mr. MANN. I do not think you have succeeded very well.

Mr. TAYLOR of Colorado. We have tried to do so. If the description of the Secretary of the Interior is correct, I have left out all patented land.

Mr. MANN. I have examined the descriptions as compared with the Secretary's report. Has the gentleman done so?

Mr. TAYLOR of Colorado. No; I have not. I took the Secretary's word for it. I have examined the map of the land that the Secretary furnished me.

Mr. MANN. I notice the Secretary says in reference to these lands, or a portion of them, that the lands are fine grazing or agricultural lands and that all the surveyed land is well watered by Willow, Pine, and Blue Creeks and the Cimarron River and their tributaries.

I notice that the Secretary of Agriculture says:

The other tract described in the bill as townships 47, 48, 49, and 50, etc., is not potential forest land like the areas above described; at the present time it is used for grazing purposes.

Mr. TAYLOR of Colorado. That is where the Utah sheep grazed on the city's water supply. I have not the map here, but I think that that is the land the city wants put in the forest reserve to protect their water supply from pollution.

Mr. MANN. The gentleman from Colorado for years has insisted that it was improper to cover into forest reserve land which could not ever be a forest and which was good for agriculture and which was susceptible to irrigation.

Mr. TAYLOR of Colorado. Yes; and I have not changed my opinion on that matter. But I am always anxious to assist every city and town to obtain a pure-water supply, and I have had several bills for that purpose before this. This land can not be worth much or it would have been taken many years ago.

Mr. MANN. How much will this cost the Government to cover this into the forest reserve?

Mr. TAYLOR of Colorado. According to the report of the Commissioner of the General Land Office, it will not cost anything.

Mr. MANN. That is not the way I read it. As I understand, for every acre of this land that is covered into a forest reserve the United States will have to pay to the Indians \$1.25. Am I incorrect?

Mr. TAYLOR of Colorado. Yes; you are incorrect. I submitted that matter to the Interior Department and asked them to report upon it, and I have included in my report, as the gentleman will observe, the reports and the decisions of the Court of Claims—both of them—and the report of the Commissioner of the General Land Office on that proposition.

Mr. MANN. I have read the reports, and it is from those reports that I arrive at my conclusion. We passed a special act of Congress at one time covering a lot of this land into the forest reserve. Thereupon the Utes of Utah made a claim in the Court of Claims and secured it. Of course we could say that the Utes can not sue the Government; but that is idle talk, because we all know that if we take their land away from them we will give them the right to bring a suit against the Government before the Court of Claims. While this land is not theirs, we have a treaty with them under which we agree to pay \$1.25 an acre for it when converted to any other use.

Mr. TAYLOR of Colorado. No; when the Government parts with the title to it to private ownership we pay \$1.25 an acre. Any land that goes into private ownership we have to pay the Indians \$1.25 an acre, but as long as the United States Government retains title to it we do not owe them anything. That decision was obtained by a special act of Congress authorizing it for the purpose of creating a fund the principal of which is not

to be paid to the Indians. They are paid the interest in lieu of another trust fund of a quarter of a million dollars that they had prior to that.

Mr. MANN. The gentleman has the Court of Claims judgment down so fine that he ought to give the information to the Committee on Appropriations, that has been wrestling with that matter ever since the Court of Claims entered judgment against the United States, and we are now paying a part of that principal.

Mr. TAYLOR of Colorado. They paid a little in lieu of a former trust fund. If I thought that the Government of the United States would have to pay \$1.25 an acre for this land, I would not have introduced the bill.

Mr. MANN. It is so perfectly clear that it will have to pay it that it is not a matter of argument. We are paying \$1.25 an acre for identically situated land which was put into a forest reserve, are we not?

Mr. TAYLOR of Colorado. No; we are giving the Indians money in lieu of a prior trust fund. That is all there is to it.

I have always thought that that judgment of the Court of Claims of May 23, 1910, was a most unfortunate, unnecessary, unwise, and unconscionable decision. I think it was an outrage upon the Government. The putting of that land into a forest reserve, where it is subject to entry under the mineral-land law and under the homestead law, is not such a sale of it as would under the treaty render the Government liable for \$1.25 per acre. And even if I am in error in my judgment on the intent of that treaty, that liability would not extend to this land. This is more fully set forth in my report on this bill, which is in part as follows:

ADDITION TO UNCOMPAHGRE NATIONAL FOREST IN COLORADO.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, submitted the following report, to accompany H. R. 17263:

The committee submitted this bill to the Secretary of Agriculture and Secretary of the Interior for reports, and those reports are as follows:

DEPARTMENT OF AGRICULTURE,
Washington, July 10, 1914.

HON. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR SIR: I wish to acknowledge receipt of a copy of the bill (H. R. 17263) introduced by Mr. TAYLOR, to reserve certain lands, to incorporate same, and make them a part of the Uncompahgre National Forest, in Colorado, with the request that your committee be sent a report thereon.

The lands proposed to be added to the Uncompahgre National Forest are in two tracts. Those in townships 46, 47, and 48 north, ranges 4, 5, 6, and 7 west, are chiefly valuable for timber production, and much of it is covered with merchantable timber. It is of a character to warrant inclusion in a national forest under the act of March 3, 1891 (26 Stat., 1095), and amendments thereto. These areas are similar to the forest lands in the Uncompahgre, to which they are contiguous. Their description was not known at the time the national forest was first created. Since the passage of the act of March 4, 1907 (34 Stat., 1256), which provides that no forest reserves shall be created nor additions made to any heretofore created in Colorado, among other States, the lands can not be added by presidential proclamation. Because these areas are chiefly valuable for timber production and are of such a character and cover as to warrant their inclusion it is believed that they should be made a part of the Uncompahgre National Forest.

The other tract described in the bill, in townships 47, 48, 49, and 50 north, ranges 7 and 8 west, is not potential forest land like the areas above described. At the present time it is used for grazing purposes. The local forest officers report that during recent years there have been serious conflicts between those grazing sheep and cattle upon the lands. It is now open to unrestricted grazing, and this has brought about the conflicts. It is also stated that a part of this watershed will be needed by the town of Gunnison for municipal water supply protection and that certain officials are desirous of having the land placed under Government control so that the grazing of live stock there may be regulated and the contamination of the water supply prevented.

Several additions to the national forests have been made in other States in order to protect the waters needed by municipalities for domestic uses, and in order to prevent the pollution of the water supplies. The administration of the two areas mentioned in the bill would not add materially to the cost of administering the Uncompahgre National Forest as a whole. If, therefore, your committee decides to add both areas to the existing Uncompahgre National Forest, this department will have no objection to the passage of the bill.

Very truly, yours,

C. F. MARVIN, Acting Secretary.

DEPARTMENT OF THE INTERIOR,
Washington, July 18, 1914.

HON. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: In response to your request therefor, I have the honor to submit the following report on H. R. 17263:

The bill proposes to add certain therein-described lands in Colorado to the Uncompahgre National Forest.

I am advised by the Commissioner of the General Land Office that such lands adjoin the said national forest and extend northward therefrom, and have an estimated area of 110,630 acres, 65,030 acres thereof being surveyed. Such surveys were made between 1889 and 1902, and the field notes thereof show the greater portion to be mountainous or mesa land, with scattering spruce and aspen timber, dense undergrowth,

and grasses; that the lands described in the bill in township 48 north, range 6 west, and in township 47 north, range 6 west, except the south-eastern portion in Trident Mesa and those in the eastern portion of township 47 north, range 7 west, are fine grazing and agricultural lands, and that all the surveyed land is well watered by Willow, Pine, and Blue Creeks and the Cimarron River and their tributaries.

Twelve thousand eight hundred and forty acres of the area proposed to be reserved are included within entries and claims under the public-land laws of record, 9,280 acres thereof in entries upon which final certificate or patent has issued and 3,560 acres in unperfected entries, the location of such entries therein being indicated upon the accompanying diagram. Certain of the lands are subject to approved rights of way for reservoirs, canals, etc., under the act of March 3, 1891 (26 Stat., 1095). A tract of 520 acres in sections 9 and 16, township 47 north, range 7 west, was reserved by the act of May 9, 1914 (Public, No. 97), to be purchased by the city of Montrose at \$1.25 per acre for park purposes, and 29,330 acres are under withdrawal for coal classification.

The lands described in the bill are within that portion of the former Ute Indian Reservation ceded under agreement ratified by the act of June 15, 1880 (21 Stat., 109), subject to cash entry under said act, and that of July 28, 1882 (22 Stat., 178), the proceeds of such sales to be deposited for the benefit of the Indians after deducting certain expenditures as therein provided. The act of June 13, 1902 (32 Stat., 384), extended the homestead laws over such lands and provided that any money lost to the Indian fund by virtue thereof should be made up by the Government.

Certain lands within such cession have been heretofore included within national forests. On May 23, 1910, the Court of Claims, in the case of The Confederate Bands of Ute Indians of Colorado v. The United States, under the jurisdiction conferred by the act of March 3, 1909 (35 Stat., 758, 759), held that the Indians should be credited with \$1.25 an acre for such of said lands in forest reservations as had not been entered and paid for.

The area to be added to the Uncompahgre National Forest thereby is more extensive than its principal purpose, the protection of the water supply of Montrose, would seem to warrant, and includes agricultural lands, as hereinbefore stated, and certain areas that are heavily alienated, as shown by the accompanying diagram. No facts have been presented to me which, in my judgment, justify the creation of this proposed forest reservation and eliminating from homestead and similar uses these lands.

Should Congress deem it proper and wise to enact the proposed legislation, I would respectfully suggest the following changes in the segregation of the surveyed from the unsurveyed lands, and amendments:

A small portion of the area proposed to be reserved in township 47 north, range 7 west, is in Ouray County. "Ouray" should therefore be inserted before "Montrose," in line 17, page 3.

In order that such rights may be protected in the event the bill is enacted into law, I would suggest that the words "subject to prior valid adverse rights" be inserted after "Forest," in line 20, page 3.

A copy hereof is inclosed.

Respectfully,

FRANKLIN K. LANE.

The committee has adopted all of the amendments suggested by the Secretary of the Interior, and the one amendment set forth above presents the bill in the form as it would read with the adoption of the recommendations of the Secretary.

As stated in the report of the Secretary of Agriculture, Colorado is one of the six States in which, since the act of March 4, 1907 (34 Stat., 1256), no forest reserves can be created nor additions made thereto by presidential proclamations. The only way any forest reserves can be enlarged in Colorado is by an act of Congress. This bill was introduced by Mr. TAYLOR of Colorado and reported by the committee at the earnest request of the authorities and citizens of the city of Montrose, who desire to have all of the western portion of this land incorporated in the forest reserve for the protection of the water supply of that city. They desire to guard or police the land adjacent to their city water-supply canal and reservoir, in conjunction with the Forest Service officials, at the expense of the city, for the purpose of preventing the pollution of the water.

There is no way at the present time of regulating the use of the public domain upon which the city reservoir is situated and through which its water supply canal runs for about 15 miles; and the city authorities and citizens have had so much annoyance with nomadic flocks of sheep and other indiscriminate use of that territory that they have for many years been appealing to Congress to incorporate all of that land in the forest reserve, and allow them under regulations which are now in use under the Forest Service to cooperate with them in the protection of their water supply. This bill is similar to a number of others that have been passed for the same purpose.

The eastern portion of the land sought to be incorporated in the forest reserve is more particularly for the protection of the grazing rights of the local settlers in and adjacent to that territory. There have been, in former years, very serious conflicts and strife between the sheep and cattle men for the control of that range, and the permanent citizens of that portion of the country have repeatedly petitioned Congress and the Colorado Representatives to add that territory to the Uncompahgre National Forest, and it is in compliance with those requests, as well as in conformity with the wishes and approval of the Forest Service, that the committee has included that territory in this bill.

It may be added that the Forest Service officials have made an exhaustive investigation and report upon the character of the land in that territory. This bill does not include all of the land sought by the settlers to be added to the reserve, but only such portions thereof as the Agriculture Department and the Forest Service recommend as being suitable for incorporation within the reserve.

One of the petitions, signed by a large number of citizens and presented to the committee, is as follows:

PETITION.

"To the Congress of the United States:

"We, the undersigned landowners and users of the range embraced within the red lines on the blue print of the Uncompahgre Forest Reserve, ask that said Uncompahgre Forest Reserve be increased to take in the lands embraced within said lines, subject to the very few filings and squatters' claims on lands within these lines. These rights are for all the lands that could possibly be used for agricultural purposes. The increase of this reserve would tend to give the city of Montrose a purer water supply, will increase the dairying industry, and place the salting of the public range on a business basis."

Also another petition, signed by a large number of citizens and county and city officials, reads as follows:

PETITION.

"To the Congress of the United States:

"We, the undersigned residents of Montrose County, Colo., and users of the range designated within the red lines, showing the desired increase to the present Uncompahgre National Forest, ask that the same be granted according to the lines as shown in the attached blue print. We represent that practically all the land that could be used for agricultural purposes within the area marked off is now filed on or held by squatters' rights on that part unsurveyed. We desire this addition to the original petition, subject to the rights of those having made filings or squatters' claims."

Also the following petition, addressed to the author of the bill, from citizens and county officials of Gunnison County, adjacent to this forest reserve:

PETITION.

"Hon. EDWARD T. TAYLOR,
"Congressman at Large for Colorado:

"We, the undersigned residents of Cimarron and Gunnison County, would respectfully ask you to push the recommendation of the Secretary of the Interior for the extension of the Uncompahgre Forest Reserve. While it does not embrace as much as we had hoped, the addition as proposed will help some."

The city of Montrose also adopted a resolution in the nature of a memorial to Congress on this subject over two years ago, which reads as follows:

RESOLUTION.

Whereas the Uncompahgre National Forest Reserve as now established and maintained by the United States Government, as shown on the blue print hereto attached and made a part hereof, protects only a portion of the watershed of the Cimarron River and the Big and Little Cimarron Creeks; and

Whereas the water supply of the city of Montrose for all uses, and especially for domestic use, is obtained from the said Cimarron River and its tributaries, and the health of the inhabitants of said city is greatly dependent upon a pure water supply; and

Whereas the said city of Montrose also has a right to use water from the Gunnison Tunnel, whose source of supply is the Gunnison River, which at present is not under the control of the Government; and

Whereas the city council of the city of Montrose believes it would greatly benefit the city and help it to secure and maintain a pure water supply for said city if the United States Government and Forest Service were in control of the watershed of the Cimarron River and Gunnison River, as shown on said blue print, and by the extension of said Uncompahgre National Forest, as shown by the red lines along the section and township lines marked on said map: Therefore be it

Resolved by the city council of the city of Montrose, That the plan of enlarging the Uncompahgre National Forest, as shown by the red lines on the blue print hereto attached, be heartily indorsed, and that our Senators and Representatives in Congress be urged to immediately introduce and use their best endeavors to secure the passage of whatever legislation might be necessary to accomplish the enlargement of said Uncompahgre National Forest, as shown on said blue print, and that it is the belief of said city council that if the territory as indicated on said blue print were added to said Uncompahgre National Forest it would greatly benefit the health of all of the people of the city of Montrose and be a means of preventing much unnecessary sickness; and be it further

Resolved, That a certified copy of this resolution be attached to said blue print and forwarded to our Representative in Congress.

STATE OF COLORADO, County of Montrose, ss:

I, S. V. Hobough, city clerk in and for the city of Montrose, State of Colorado, do hereby certify the above and foregoing to be a true, perfect, and complete copy of a resolution passed in the regular session of the city council, held at the city hall, in said city of Montrose, on Thursday evening, February 2, 1911, as the same appears on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of the city of Montrose, at Montrose, in said county, this 3d day of February, A. D. 1911.

[SEAL.]

S. V. HOBOUGH, City Clerk.

In view of the importance of the protection of the water supply for the city of Montrose your committee recommend the expeditious passage of this bill.

After receipt by the committee of the opinion of July 18, 1914, of the Interior Department upon this bill as above set forth, containing a reference to the Ute Indian treaty and the decision of the Court of Claims of May 23, 1910, and the possible effect that the passage of this act might have in relation thereto, the matter was again taken up with the Department of the Interior and an exhaustive research was made and careful consideration given to the legislation pertaining to the Ute Indians and decisions of the court and treaties of the Government with those Indians. The Commissioner of the General Land Office has determined that the addition to the Uncompahgre National Forest of the land embraced within this bill, which was formerly a part of the Ute Indian Reservation, would not create any additional liability against the Government in the absence of some special legislation to that effect. In other words, that decision of the Court of Claims was authorized by an act of Congress and was for the express purpose of creating a trust fund in lieu of the former trust fund, and with the understanding that the fund itself should not be paid to the Indians but that the interest thereon at 4 per cent should be paid to them.

The decisions of the Court of Claims of May 23, 1910, and February 13, 1911, give such a complete statement of the rights of the Indians and the Government that they are herewith incorporated, together with the commissioner's letter to the author of this bill, as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, August 4, 1914.

Hon. EDWARD T. TAYLOR,
House of Representatives.

MY DEAR MR. TAYLOR: In response to your personal inquiry, I have the honor to inform you that the jurisdiction of the Court of Claims in the case of The Confederated Bands of Ute Indians of Colorado v. The United States had its source in a special act authorizing it to take action and, so far as this office is able to construe such decision, would probably not extend to additional forest reservations in the absence of additional legislation.

I inclose herein copy of the court's decision in said case of May 23, 1910, and modification of February 13, 1911. Under the jurisdiction conferred upon it by the act of March 3, 1899 (35 Stat., 788, 789), the Court of Claims was to determine and render final judgment on the

claims and rights of such Indians under the agreement of June 15, 1880, "including the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations * * * as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor."

The deficiency act of March 4, 1913 (37 Stat., 934), appropriated \$3,305,257 19 for paying the net amount of the judgment of the Court of Claims in said suit into the Treasury.

Section 3 of the act of June 15, 1880 (21 Stat., 199), provided that lands within the cession ratified thereby should be subject to "cash entry only in accordance with existing law," the proceeds of such sales to be deposited for the benefit of the Indians after deducting the amount necessary to reimburse the Government for all sums paid out or set apart under said act and \$1.25 an acre for the lands allotted the Indians outside their reservation. The act of July 28, 1882 (22 Stat., 178), reaffirmed the provision of the act of June 15, 1880, that the ceded lands should be disposed of under cash entry only.

The act of May 17, 1900 (31 Stat., 179), known as the "free-homestead act," provided for homestead entries on lands acquired by treaty or agreement from the various Indian tribes, and relieved settlers from the conditions of payment for such lands, but provided "that all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States."

Section 2 of the special act of June 13, 1902 (32 Stat., 384), extending the provisions of the homestead laws over the lands within the former Ute Indian Reservation in Colorado, provides "that all sums of money that may be lost to the Ute Indian fund by reason of the passage of this act shall be paid into the fund by the United States."

The money received from cash entries within the cession of 1880 is turned into the Treasury to the credit of the Ute fund.

Senate amendment No. 152 to the Indian appropriation bill, H. R. 12579, page 81, provided that the Commissioner of Indian Affairs should enter into an agreement with the Confederated Bands of Ute Indians for a final adjudication and settlement of all their claims against the United States arising under the agreement of June 15, 1880, or otherwise, but I am informally advised by the Indian Office that the bill was reported out of conference and passed without such provision.

Very respectfully,

CLAY TALLMAN, Commissioner.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HAWLEY. In view of what has been said, Mr. Speaker, and other reasons, I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

THE TRADE COMMISSION.

Mr. ADAMSON. Mr. Speaker, I want to say, in reference to the trade commission bill, which has just come over from the Senate, that I will not call up the conference report to-morrow, it being Calendar Wednesday, but I will call it up on Thursday morning.

PETER LASSEN NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 52) to establish the Peter Lassen National Park in the Sierra Nevada Mountains, in the State of California, and for other purposes.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HAWLEY. Mr. Speaker, I want to make this statement: I intend to object to this bill. There are a number of bills pending before the Committee on Public Lands for national parks. The committee has said that they did not intend to create any more, and now they have created one, and until they can determine on a policy and deal with all of these equitably, I shall object.

Mr. JOHNSON of Washington. Will the gentleman withhold that for a moment?

Mr. HAWLEY. I will.

Mr. JOHNSON of Washington. I want to ask the author of the bill if he is willing, if the bill is considered, to accept an amendment on page 4, line 7, by adding the words "a leprosarium"? Here is a proposed park of 87,000 acres, with only a few hundred acres that are in use at all. It has salubrious climate, hot lakes, and, in my opinion, it is the ideal place in the United States for the location of a leprosarium, the location for which the Medical Department has searched all over this country.

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The gentleman from Oregon objects.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object. The gentleman can take the time on the next bill if he desires to.

NATIONAL SANITARIUMS BY FRATERNAL ORGANIZATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16029) to authorize the Secretary of the Interior to set aside certain public lands to be used as national sanitariums by fraternal organizations, and for other purposes.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, to remain on the calendar.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, would there be any objection to putting the word "leprosarium" after the word "sanitarium," in line 9 of the bill?

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I would like to answer the gentleman's question.

Mr. MADDEN. I object.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1270. An act for the relief of Edward William Bailey; and S. 1171. An act for the relief of Samuel Henson.

ADJOURNMENT.

Mr. DONOVAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 9, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 18066) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States, or of a State thereof, or of the District of Columbia, to purchase, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 1149), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13373) to remove the charge of desertion from the military record of Charles V. Wells, reported the same with amendment, accompanied by a report (No. 1147), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CONNOLLY of Iowa: A bill (H. R. 18682) to provide for the erection of a public Weather Bureau observatory at Dubuque, Iowa; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 18683) fixing the time for election of Representatives and Delegates in Congress and for the appointment of electors of President and Vice President of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. RUPLEY: A bill (H. R. 18684) increasing the efficiency of the Organized Militia of the United States; to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 18685) to repeal penalties on foreign-built vessels owned by Americans; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 18686) to provide for provisional certificates of registry of vessels abroad, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL W. SMITH: A bill (H. R. 18687) regulating the pay of certain Army officers; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 18688) to suspend the law relating to annual assessment work on placer and lode mining claims in Alaska for the year 1914; to the Committee on the Public Lands.

By Mr. LINTHICUM: A bill (H. R. 18689) to amend section 29 of the act approved March 4, 1913 (Public, No. 432), making appropriations for certain public buildings and grounds; to the Committee on Military Affairs.

By Mr. FREAR: Joint resolution (H. J. Res. 338) providing for the appointment of a joint committee to investigate and report to Congress present and proposed expenditures of the Government; to the Committee on Rules.

By Mr. BROWNE of Wisconsin: Joint resolution (H. J. Res. 339) to correct an error in H. R. 12914; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: Joint resolution (H. J. Res. 340) to correct error in H. R. 12914; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANCIS: A bill (H. R. 18690) granting a pension to Elizabeth Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18691) granting a pension to Permelia A. Sturgeon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18692) granting a pension to Charles F. Coss; to the Committee on Pensions.

Also, a bill (H. R. 18693) granting an increase of pension to Samuel S. McGowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18694) granting an increase of pension to G. W. Miller; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 18695) granting a pension to Duval Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18696) granting an increase of pension to James H. Kershaw, alias James Healey; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 18697) granting a pension to Alice W. France; to the Committee on Pensions.

Also, a bill (H. R. 18698) for the relief of William L. Claberg; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 18699) granting a pension to Thomas L. Sharp; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 18700) granting an increase of pension to John N. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18701) granting an increase of pension to Edward D. Hurlburt; to the Committee on Invalid Pensions.

By Mr. MACDONALD: A bill (H. R. 18702) granting a pension to William J. Carah; to the Committee on Pensions.

Also, a bill (H. R. 18703) for the relief of C. Horatio Scott; to the Committee on Claims.

By Mr. McKELLAR: A bill (H. R. 18704) granting a pension to G. F. Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18705) for the relief of the estate of John H. Hammers, deceased; to the Committee on War Claims.

By Mr. REILLY of Connecticut: A bill (H. R. 18706) for the relief of George B. Kellar; to the Committee on Claims.

By Mr. RUPLEY: A bill (H. R. 18707) granting an increase of pension to Alexander Noffsinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18708) for the relief of Harrison H. Hollowell; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petitions of citizens of Saxton, Boro, and Liberty Townships, and South York, Pa., in favor of national prohibition; to the Committee on Rules.

Also (by request), petition of J. Hornet, of Johnstown, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of citizens of Los Angeles, Long Beach, and Pomona, Cal., favoring national prohibition; to the Committee on Rules.

Also, petition of 210 people of Los Angeles, Cal., for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Petition of Carl Wilkowski and 51 other citizens of Watertown, Wis., protesting against an increase in the revenue tax on cigars; to the Committee on Ways and Means.

By Mr. CONNOLLY of Iowa: Petition of citizens of Burlington, Iowa, protesting against proposed raise in revenue tax on cigars; to the Committee on Ways and Means.

By Mr. DAVIS: Petition of Woman's Christian Temperance Union of Red Wing, Minn., protesting against the European war; to the Committee on Foreign Affairs.

By Mr. GRIEST: Resolution of the Philadelphia Leaf-Tobacco Board of Trade, protesting against the proposed increase in the internal-revenue tax on cigars; to the Committee on Ways and Means.

Also, petition of S. N. Mumma and other citizens of Landisville, Pa., protesting against the proposed raise in revenue tax on cigars; to the Committee on Ways and Means.

By Mr. LANGHAM: Petitions of 31 people of Manorville, Pa., and 50 of Ford City, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. McANDREWS: Resolutions of the Chicago Federation of Labor, protesting against increased cost of foodstuffs; to the Committee on Ways and Means.

By Mr. McGUIRE: Petitions of citizens of Julian, Lorton, and Unadilla, Nebr., in favor of House bill 5308; to the Committee on Ways and Means.

By Mr. McKENZIE: Petitions of citizens of Lee and Whiteside Counties, Ill., in favor of national prohibition; to the Committee on Rules.

By Mr. MURDOCK: Petition of citizens of Kansas, in favor of national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions from sundry citizens of the city of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139) providing for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. SAMUEL W. SMITH: Petition of Board of Commerce of Flint, Mich., for the creation of an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of California: Petition of Torrance, Marshall & Co., of Los Angeles, Cal., in favor of bill granting relief to railroads; to the Committee on Interstate and Foreign Commerce.

Also, telegram from Los Angeles (Cal.) Retail Druggists' Association, protesting against war tax on patent medicines; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of J. E. Temple and others, of Rock Island, Ill., favoring amendment to House bill 14288; to the Committee on Public Buildings and Grounds.

SENATE.

WEDNESDAY, September 9, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Chair calls the attention of the Senate to the following communication from the Sergeant at Arms, and in connection therewith states that unless the Senate is of a different opinion from the opinion of the Vice President, as expressed upon yesterday, no warrants will issue for the attendance of Senators outside of the city of Washington until they have been requested to attend the Senate of the United States and have explained the reasons for their absence, so that the Senate may determine whether the Senators were absent with or without a good reason. The Secretary will read the communication.

The Secretary read as follows:

SENATE OF THE UNITED STATES,
SERGEANT AT ARMS,
September 9, 1914.

To the PRESIDENT OF THE SENATE.

SIR: In compliance with Senate order of Tuesday, September 8, 1914, directing the Sergeant at Arms to compel the attendance of absent Senators, I beg to report that I have communicated this order by telephone, telegraph, or in person to all Senators who were absent on September 8, 1914, with the exception of one Senator, who is in Europe.

Very respectfully,

CHARLES P. HIGGINS,
Sergeant at Arms, United States Senate.

DIPLOMATIC AND CONSULAR EXPENSES IN EUROPE.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 337) to provide for representation of foreign Governments growing out of existing hostilities in Europe and elsewhere, and for other purposes, and I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BURTON. What is the resolution?

Mr. MARTIN of Virginia. I will say it is the emergency resolution that the State Department asked in aid of our foreign obligations in taking over diplomatic work.

Mr. BURTON. It is an appropriation of \$1,000,000?

Mr. MARTIN of Virginia. Of \$1,000,000. The joint resolution has passed the House.

The VICE PRESIDENT. The Secretary will read the joint resolution, and then the Senate will determine whether there is objection to its consideration or not.

The Secretary read the joint resolution, as follows:

Resolved, etc., That to enable the United States to fulfill the obligations devolving upon it in connection with or growing out of its representation of the interests of foreign Governments and their nationals, and to extend temporary assistance to other Governments and their nationals, made necessary by hostilities in Europe and elsewhere, by transferring or advancing funds for diplomatic and consular expenses and for the care or benefit of citizens or subjects of foreign nations, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be available during the fiscal year 1915, and to be disbursed under the direction and in the discretion of the Secretary of State: Provided, That payments made by foreign Governments or their citizens or subjects shall be credited to this appropriation and be available for the purpose herein specified: Provided further, That all sums received by the United States in final reimbursement of amounts paid by it out of the \$1,000,000 herein appropriated shall be paid into the Treasury of the United States as "miscellaneous receipts."

The Secretary of State shall submit to Congress at the next session, or as soon thereafter as may be practicable, a report of the amount repaid to the United States, with such further information upon the subject as may be, in his judgment, consistent with the public interest.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BURTON. Will the Senator from Virginia tell the Senate how this amount was arrived at?

Mr. MARTIN of Virginia. It is arrived at as an estimate of the State Department. It is not possible to make an accurate statement of the amount of money that will be required, but it is believed that this is considerably more than will be necessary. Not a dollar of it will be used except to meet actual emergencies as they arise, and the State Department estimated that it would like to have \$1,000,000. I will say that not one dollar of it will be lost to the Government. It is simply an advance to foreign Governments to meet the existing emergencies in the work the United States has taken over.

Mr. BURTON. That is, to our embassies?

Mr. MARTIN of Virginia. Our embassies. It goes through our embassies in the different countries.

Mr. SMOOT. I should like—

Mr. BURTON. One thing further. It seems to me this amount is large—in fact, very large—but I take it only that portion of it will be expended which is necessary, and the object is so commendable and so necessary for our standing among the nations that I certainly shall not object.

Mr. MARTIN of Virginia. Not one dollar will be paid out except as it is actually needed, and not one dollar of it will be lost to this Government. They are advances made to foreign Governments under the exigencies which now confront them.

Mr. SMOOT. Mr. President, I am in favor of the immediate consideration of the joint resolution, and I certainly do not object to the amount contained in it. I simply rose, however, to say to the Senator from Virginia that I believe the statement he made that the Government would not lose one cent is a little too broad, because there may occasions arise requiring our representatives in foreign countries to make advances under emergency cases that it will be impossible to return to the department. I understand the department understands that. I do not believe that it will be very much, however.

Mr. MARTIN of Virginia. The Secretary of State in the hearing before the House committee and personally to me expressed the opinion that not a single dollar would be lost to the United States Government. Of course, there might be a contingency when a small loss might unexpectedly be entailed, but whatever those losses may be, it is obligatory upon this Government to make the provision under the circumstances which confront us.

Mr. SMITH of Michigan. Mr. President, let me ask the Senator from Virginia does this situation grow out of advances made by our ministers and ambassadors and consuls to stranded Americans?